

---

---

## CLOVIS UNIFIED SCHOOL DISTRICT

### INSTRUCTION

#### Specialized Programs

### **STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS**

#### A. Definitions

1. "Parentally-placed private school children with disabilities" means children with disabilities, from 3 to 21 years of age, inclusive, who are voluntarily enrolled by their parents/guardians in a private school or facility within District boundaries, including children who are attending a private school or facility within District boundaries but who reside in another district or state. (34 CFR 300.130; 34 CFR 300.131)
2. "Private school or facility" means a private, including a religious, full-time day school located within District boundaries that has filed an affidavit with the California Department of Education and is registered in the California Private School Directory. (Education Code section 33190; 34 CFR 300.130)

#### B. No Entitlement to Special Education and Related Services

A parentally-placed private school child determined to be eligible for special education has no individual right to receive some or all of the special education and related services that he or she would receive if the child were enrolled in public school. (34 CFR 300.137) Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.138)

#### C. Child Find Procedures

1. The child find procedures set out in this administrative regulation are designed to provide an opportunity for the equitable participation of parentally-placed private school children with disabilities and to ensure that the District maintains an accurate count of those children. (Education Code 56301; 34 CFR 300.131)
2. The Clovis Unified School District Special Education Local Plan Area (SELPA) will undertake the following "child find" activities in order to locate, identify, and evaluate parentally-placed private school children:
  - a. Conduct presentations to private school representatives and representatives of parents/guardians of parentally-placed private school children with disabilities regarding issues including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations; and,
  - b. Distribute materials to private school representatives of private school children with disabilities regarding issues including, but not limited to, criteria for special education

---

---

## CLOVIS UNIFIED SCHOOL DISTRICT

eligibility and special education referral procedures under federal and state laws and regulations.

3. The SELPA will ensure that child find activities undertaken for parentally-placed private school students with disabilities are comparable to child find activities undertaken for children with disabilities in public schools. (Education Code 56301; 34 CFR 300.131)
4. The SELPA shall consult with appropriate private school representatives and representatives of parents/guardians of parentally-placed private school children with disabilities regarding the child find process. (34 CFR 300.134)

### D. Consultation

1. The SELPA shall consult with appropriate private school representatives and representatives of parents/guardians of parentally-placed private school children with disabilities during the design and development of equitable services for children. To ensure a meaningful and timely consultation, the consultation shall include: (Education Code 56301; 20 USC 1412; 34 CFR 300.134)
  - a. The child find process and how parentally-placed private school children suspected of having a disability can participate equitably;
  - b. How parents/guardians, teachers, and private school officials will be informed of the child find process;
  - c. Determination of the proportionate share of federal funds available to serve parentally-placed private school children with disabilities and how the amount was calculated;
  - d. 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 equitable services;
  - e. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made; and
  - f. How, in the event that the SELPA and private school disagree on the provision of or the types of services, the SELPA will provide the private school officials with a written explanation of the reasons that the SELPA chose not to provide the services.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

2. When a timely and meaningful consultation has occurred as described above, the SELPA shall obtain a written affirmation signed by the representatives of the private school. If the private school representatives do not provide written affirmation within a reasonable period of time, the SELPA shall forward documentation of the consultation process to the California Department of Education. (Education Code 56172; 34 CFR 300.135)
3. The SELPA has the authority to determine both the amount of funds to be allocated toward its parentally placed private school students and how, when, where, and by whom special education and related services will be provided to some or all of the students, including the types of services and service delivery mechanisms. (34 CFR 300.134) The SELPA shall make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities. (34 CFR 300.137)
4. After the consultation has occurred, the SELPA shall ensure an annual count of the number of parentally-placed children with disabilities attending private schools located within the District. The SELPA will further ensure:
  - a. The count shall be conducted on any date between October 1 and December 1, inclusive, of each year.
  - b. The count shall be used to determine the amount that the District must spend on providing equitable services to parentally-placed private school children with disabilities in the subsequent fiscal year. (34 CFR 300.133)

**E. Evaluation of Identified Parentally-Placed Private School Children with Disabilities**

The District shall evaluate all identified parentally-placed private school children with disabilities attending a private school located within the District's boundaries to determine whether they are children with a disability who, by reason thereof, need special education and related services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating students attending public school. (34 CFR 300.131, 300.301)

**F. Initial Individualized Education Program (IEP) Team Meeting**

1. Following the evaluation, the District shall convene an initial IEP team meeting for the purpose of reviewing the evaluation report(s) and determining if the child is a child with a disability who, by reason thereof, needs special education and related services.
2. If the IEP team determines that a parentally-placed private school child is a child with a disability who is eligible for special education and related services, it shall be the responsibility of the child's district of residence (DOR) to develop an IEP offering that child a free appropriate public education (FAPE) in accordance with federal and state laws and regulations. If the child's DOR is a district other than the District, the District shall provide the parent/guardian with a copy of the District's Notice of Procedural Safeguards and inform the parent/guardian

---

---

## CLOVIS UNIFIED SCHOOL DISTRICT

that the DOR is responsible for providing the child with a (FAPE) if the child enrolls in public school in the DOR.

3. If the child's DOR is a district other than the District, the District will contact the DOR with parent/guardian consent and cooperate with the DOR by providing necessary assessment information and by making District assessors available to attend the IEP team meeting convened by the DOR at which the DOR develops the IEP and makes its offer of FAPE.
4. In the case of a parentally-placed private school child with a disability who is determined to be eligible for special education and related services and who is a resident of the District, the IEP team shall:
  - a. Develop an IEP offering the child a program, placement, and services that constitute a FAPE;
  - b. Inform the parent/guardian that the IEP can be implemented only if the child is enrolled in a District public school, and offer the parent/guardian the opportunity to enroll the child in a District public school;
  - c. If, after the District develops an IEP for the child and offers the parent/guardian the opportunity to enroll the child in a District public school, the parent/guardian makes clear his/her intention to keep the child enrolled in private school, the parent/guardian shall be asked to provide a written certification confirming that the parent/guardian intends to keep the child enrolled in private school, is not interested in a public school education, and does not want the District's offer of FAPE set forth in the IEP. The parent/guardian will provide this written certification on the Service Plan (SP) developed in accordance with Part G of this Administrative Regulation and sign and date the SP. (34 CFR 300.132, 300.137, 300.183)

### G. Service Plan

1. For each child with a disability whose parent/guardian has indicated the intent to keep the child enrolled in a private school located within the District's boundaries, the SELPA shall spend a proportionate share of federal funds to provide equitable special education and related services to the child. (34 CFR 300.133.) However, children enrolled in for-profit private schools are not entitled to equitable services. (34 CFR 300.13, 300.36, 300.130)
2. Decisions about the services that will be provided to parentally-placed private school children with disabilities will be made in accordance with:
  - a. the consultation process set forth in Part D, and
  - b. federal regulations requiring the District to:

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- 1) initiate and conduct meetings to develop, review, and revise a service plan (SP) for the child; and
- 2) ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls. (34 CFR 300.137)
3. Each parentally-placed private school child with a disability who has been designated to receive services must have an SP that describes the specific special education and related services that the District will provide to the child in light of the services that the District has determined it will make available to parentally-placed private school children with disabilities. The SP must, to the extent appropriate: (34 CFR 300.138)
  - a. Meet the requirements for the contents of an individualized education program (IEP) or, for a child ages three to five, the contents of an individualized family service plan (IFSP), and
  - b. Be developed, reviewed, and revised consistent with the regulations set forth in 34 CFR sections 300.321 through 300.324 governing the development, review, and revision of IEPs.
4. The services provided pursuant to the SP may be provided at a private school, including a religious school, to the extent consistent with law. (34 CFR 300.139) Services shall be provided by personnel meeting the same standards as personnel providing services in the public school, except that private school teachers providing equitable services do not have to meet the preparation and training requirements, including content knowledge and skills, for special education teachers who serve children with disabilities. (34 CFR 300.138) Personnel may include District employees or contractors for the District. (34 CFR 300.138, 300.142) The Clovis Unified School District SELPA shall not use SP funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. (34 CFR 300.141)

**H. Transportation**

1. If necessary for the child to benefit from or participate in the services provided pursuant to the SP, a parentally-placed private school child with a disability must be provided transportation to/from the service location. Depending on the timing of the services, the District shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)
2. The cost of the transportation may be included in calculating whether the SELPA has met its obligation to spend a proportionate share of federal funds on providing special education and

## CLOVIS UNIFIED SCHOOL DISTRICT

related services to parentally-placed private school children with disabilities eligible for special education services. (34 CFR 300.139)

### I. Equipment and Supplies (34 CFR 300.144)

1. The District may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the SP.
2. All such equipment shall remain the property of the District and must be able to be removed without causing damage to the private school.
3. The District shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use.

Adopted: 12/15/1999

Amended: 07/27/2000, 05/25/2007, 03/24/2010, 04/27/2011, 06/22/2021 (AR 2113 renumbered as AR 6164.41)

Doc# 46384-4 (06/2021, 07/2016)