

# Overview of the Special Education Process for Children Enrolled in Private Schools (K-12)

This overview pertains **ONLY** to children who live in Contra Costa County and are enrolled in private schools by their parents.

The Individuals with Disabilities Education Act (IDEA) is designed to improve educational results for all children with disabilities. It provides benefits and services to children with disabilities in public schools, and it also requires that school districts make services and benefits available to children with disabilities enrolled in private schools by their parents (US Department of Education, 2008). However, while IDEA requires school districts to make services available to children enrolled by their parents in private schools, those children are not individually entitled under the law to receive the same services and benefits that they could receive if they were enrolled in public school.

The purpose of this overview is to help parents of children enrolled in private schools understand how to begin the process of accessing special education services. This overview pertains only to children who live in Contra Costa County and who are enrolled in private schools by their parents. The Special Education Local Plan Areas (SELPA) of Contra Costa County (which represent all the school districts in the county) have developed a countywide agreement that is intended to simplify the process of accessing special education services for parents of children in private schools who live in Contra Costa County. There may be differences in other SELPAs and other counties in California.

## Referral: Beginning the Special Education Process

The special education process begins with a referral for evaluation to determine a child's eligibility for special education services. Under IDEA, the school district where the child's private school is located is responsible for evaluating the child. **HOWEVER**, the SELPAs of Contra Costa County have all agreed that the school district where the child lives will take responsibility for evaluating the child. You should therefore contact your local school district to begin the process of referring your child for evaluation to determine eligibility for special education services. The SELPA agreement is intended to simplify the process for parents, but, if you do not want the school district where you live to evaluate your child, you do have the right to request that your child be evaluated instead by the school district where your child's private school is located.

You should always make referrals in writing. Your referral should be addressed to an appropriate school district administrator (e.g. Director of Special Education). Your referral should state why you are concerned about your child's learning and why you are referring your child for evaluation for eligibility for special education services.

## Evaluation

When the school district receives a referral for evaluation for special education services, they have **15 calendar days** (not including school breaks of 5 days or more) to develop a plan to assess your child's educational needs and to send it to you for your review and consent. Even if your child has been diagnosed with a disability, the school must still evaluate your child to get information about his or her strengths and areas of educational need in order to make decisions about appropriate educational services.

The assessment plan must address all areas of suspected disability, so it is important to make sure that all of your concerns will be addressed by the planned assessments. If you have concerns about your child's educational needs that will not be addressed by the planned assessments, it is important to share your concerns with the school district and to provide specific reasons (observations) to support your concerns, so that your child can be assessed in any additional areas of need that you have identified.

Once you receive the assessment plan from the school district, you have **15 calendar days** to review the assessment plan, talk to the evaluators, and get any additional information you need before deciding

whether or not to give your consent for assessment. You may give consent to all, part or none of the assessment plan. The school district may not assess your child for special education services without your written consent.

If you consent to the assessment plan, the school district has **60 calendar days** (not including school breaks of 5 days or more) to complete the assessment of your child and to hold an IEP (Individualized Education Program) meeting to discuss your child's eligibility for special education services and to develop an IEP, if your child is determined to be eligible for special education services.

When the assessment process has been completed, each professional will write a report describing the assessment results, and copies of these reports must be provided to the parents. You should request to receive the reports before the IEP meeting that you have enough time to read the reports and ask any questions that you may have. You have the right to challenge any results you feel are inaccurate, incomplete or misleading. If you choose, you also have the right to submit written reports of outside assessments, and this information must be considered by the IEP team. If you disagree with the results of the assessment, you can request an independent educational evaluation at school district expense.

### **Some helpful things to know in reviewing the assessment plan:**

- Your child must be assessed in all areas of suspected disability.
- Assessment procedures must be non-discriminatory and must be appropriate for your child's age, level of functioning, attention span, and type of disability or suspected disability.
- There must be more than one assessment procedure used.
- All assessments must be carried out in the primary communication mode that your child uses (e.g. sign language, language other than English, communication device, Braille, etc.)
- District staff must have appropriate credentials, licenses, and qualifications needed to administer the assessments.
- Assessment results are confidential.
- Assessment vs evaluation: assessments provide information that is used in the evaluation or decision-making process.

### **Eligibility for Special Education Services**

Under IDEA a student must have one of 13 "disabling conditions" in order to be eligible for special education services. The eligibility categories are:

Autism	Speech or language impairment
Deafness	Orthopedic impairment
Hearing impairment	Multiple disabilities
Deaf-blindness	Traumatic brain injury
Vision impairment, including blindness	Intellectual impairment (mental retardation)
Serious emotional disturbance	Other health impairment (including ADD or ADHD)
Specific learning disability	

Eligibility for special education services is a team decision. Parents are part of the team, and parents have the right to challenge an eligibility decision. The decision is based on the results of the assessments of your child, so study the assessment reports carefully. Ask questions and be sure you understand what is written about your child, and that your input has been included.

### **The IEP Meeting**

When a child is initially referred for evaluation for special education services, the school district has 60 calendar days (starting from the time that parents have provided their written consent for assessment) to complete assessments and to hold an IEP (Individualized Education Program) meeting. The school district is responsible for scheduling the meeting and coordinating attendance by all the participants. The district must take all necessary steps to ensure that parents are able to attend, including holding the meeting at a time and place convenient for the parents. Parents must be notified who will be in attendance at the meeting. Staff from the child's private school must be included in the meeting. Parents may invite other

people to attend but must notify the IEP team in advance about who will attend. Parents may tape record the IEP meeting but must notify the IEP team 24 hours in advance.

The purpose of the IEP meeting is to (1) review assessments and other information about the child's educational progress and needs, (2) determine eligibility for special education services (if the child has not been previously been receiving special education services), (3) discuss the child's educational needs, and (4) develop an Individualized Education Program if the child is found to be eligible for special education services.

### IEP Meeting Outcomes

Your child may be found not to be eligible for special education services, and the process ends here, unless you disagree with the eligibility decision.

If your child is found to be eligible for special education services, the school district will present you with two options:

1. The district will develop an **Individualized Education Program (IEP)** document that specifies all the special education and/or related services that your child would receive if you choose to enroll your child in a district school instead of the private school that he or she is attending.
2. If you choose not to enroll your child in a district school and choose, instead, to continue to have him or her attend a private school, then the district will develop an **Individual Services Plan (ISP)**. The ISP describes the special education and/or related services that your child will receive from the school district. The services offered in an ISP may not be the same as the services offered in an IEP. The services in an ISP may depend on what the school district has determined will be available to students in private schools and on the budget that is available to provide those services. Students in private schools are not individually entitled under IDEA to receive the same services and benefits that they could receive if they were enrolled in public school.

### If There are Problems with the Process...

The process of determining eligibility for special education services ("child find") gives parents specific rights under IDEA, including the right to file a due process complaint if the school district does not meet its obligations under the law or the parents do not agree with the outcome of the eligibility decision.

If your child is found to be eligible for special education services and you choose to enroll your child in a district (public) school in order for your child to receive special education services under an IEP, then IDEA gives you specific legal rights, including the right to file a due process complaint if the school district does not provide the services specified in the IEP or if you do not agree with the IEP.

If your child is found to be eligible for special education services and you choose NOT to enroll your child in a district (public) school and choose, instead, to have him or her continue to attend a private school and receive services under an ISP, then your legal rights under IDEA are limited.

### Resources

U.S. Department of Education. Building the Legacy: IDEA 2004 – Q&A: Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools (revised April 2011)

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>

U.S. Department of Education, Office of Innovation and Improvement, Office of Non-Public Education. "The Individuals with Disabilities Education Act (IDEA); Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools". Washington, D.C., 2008. <http://www2.ed.gov/admins/lead/speced/privateschools/index.html>

U.S. Department of Education. "Building the Legacy: IDEA 2004" -- Major Topic: Private Schools. 2007.

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C5%2C>

California Department of Education. 2009. *California Special Education Programs: A Composite of Laws* (Thirty-first Edition). Chapter 2. Administration, Article 5.6 Children Enrolled in Private Schools (Education Code Section 56170).

# School Districts in Contra Costa County

To refer your child for special education services when he or she attends a private school: In Contra Costa County, start the process by calling your district of residence (i.e. the school district where you live). Follow up with a written referral to the appropriate administrator in your district.

<b>Acalanes Union High School District</b>	
Special Education and Auxiliary Services .....	925-280-3900 x4302
<b>Antioch Unified School District</b>	
Special Education .....	925-779-7500 x53500
<b>Brentwood Union School District</b>	
Intervention and Special Education .....	925-513-6318
<b>Byron Union School District</b>	
Educational Services .....	925-809-7505
<b>Canyon Elementary School District</b>	
Principal, Canyon Elementary School .....	925-376-4671
<b>John Swett Unified School District</b>	
Special Education .....	510-245-4300 x110
<b>Knightsen School District</b>	
General district contact number .....	925-625-0073
<b>Lafayette School District</b>	
Student Services .....	925-927-3515
<b>Liberty Union High School District</b>	
Special Services .....	925-634-2166 x2033
<b>Martinez Unified School District</b>	
Student Services .....	925-335-5800 x5917
<b>Moraga School District</b>	
Pupil Services .....	925-377-4105
<b>Mt. Diablo Unified School District</b>	
Student Services .....	925-682-8000 x4048
<b>Oakley Union Elementary School District</b>	
Student Services .....	925-625-7058
<b>Orinda Union School District</b>	
Special Services .....	925-258-6216
<b>Pittsburg Unified School District</b>	
Special Education .....	925-473-2340
<b>San Ramon Valley Unified School District</b>	
Elementary Special Education .....	925-552-5006
Secondary Special Education .....	925-552-2988
<b>Walnut Creek School District</b>	
Special Services .....	925-944-6850 x2024
<b>West Contra Costa Unified School District</b>	
Elementary Special Education .....	510-307-4640
Secondary Special Education .....	510-307-4641