



Private School and Individual Service Plan Guidance

Definition of a Private School

According to CDE, a private school is a private business or nonprofit entity that offers or conducts full-time instruction with a full complement of subjects at the elementary, middle, or high school level. Private schools' function outside the jurisdiction of the California Department of Education (CDE) and most state education regulations. Private schools do not participate in California's educational accountability system. They are directly accountable to students and their parents or guardians, based on the terms of private school enrollment. To learn more about private schools, here is a link to the CDE webpage:

<https://www.cde.ca.gov/sp/ps/psfaq.asp>

Private School Settings and the Offer of FAPE

A private school student is a student whose parents have *voluntarily* chosen to enroll their child in a private school for education. When parents choose to place their child with a disability in a private school, they are essentially declining any existing offer of an IEP made by the district. However, under the Individuals with Disabilities Education Act (IDEA) children with disabilities enrolled in private schools may receive some limited special education services from public schools, through a proportional share of special education funds (34 CFR 300.130). What services are offered are determined by the SELPA. In addition, the amount and/or level of service is limited by the proportional share funds available to the district.

In the El Dorado SELPA, proportionate share funds are currently used to provide:

- Speech and Language Therapy for eligible students – up to 10 hours per year
- Vision Therapy for eligible students – up to 10 hours per year

An Individual Service Plan (ISP) is the mechanism used to provide services for a student in a parentally placed private school.

Private School Students and Individual Service Plans (ISPs)

What is an LEA responsible for when a child is voluntarily placed in a private school?

Determining who is responsible for a student with an ISP is based on two separate considerations:

- (1) the district in which the child resides (DOR) and
- (2) the district in which the private school is located (DOL).



The DOL is responsible for the assessment of private school students to determine eligibility for special education. The DOL is also responsible for developing the ISP and securing ISP services. The District of Residence (DOR) is responsible for implementing the offer of FAPE at the DOR if or when the parent decides to enroll the student in the district.

Does the student live in the District of Residence (DOR) and attend a private school in the DOR?

If the DOR and DOL are the same, then the DOR is responsible for assessing a student, determine eligibility, and if eligible, developing the offer of FAPE. If the offer of FAPE is to be implemented the student must enroll back in the public school. If the offer of FAPE is declined, an ISP may be appropriate depending on the areas of eligibility.

In the El Dorado County SELPA area, ISP services allocated through the allocation plan are 10 hours per year of speech and language and/or 10 hours of vision services with no more than a total of 20 hours of ISP services per year. There are no other services available through the development of an ISP. If it is determined through educational assessment that a student qualifies for speech and/or vision services, then the DOR will complete the ISP form located in SEIS. As a reminder, please note and share with families and document that an ISP is **not** an IEP, nor is it an offer of FAPE. Therefore, there are no goals, progress reports, or annual IEPs requiring completion. The ISP team must, however, meet annually to review the ISP paperwork. Every three years, the DOR should offer an assessment plan to reassess and determine continued eligibility. However, there is no requirement that the family of the student sign consent for assessment. If the family does not want to accept the offer for reassessment, the parent should sign the assessment plan declining the DOR offer. Suppose a child has been found eligible, and the family declines the IEP offer. In that case, it is essential to continue yearly child find responsibilities, notifying the family the district is aware there is a child with a disability. The DOR is available to develop and implement an IEP when the student enrolls back into public school. (For additional information regarding child find responsibilities, please refer to the Procedural Guide section on Child Find)

<http://edcoe.org/educational-services/selpa-special-education-local-plan-area/selpa-procedural-guide>

Does the child live within the school boundaries of one district (DOR), but attend a private school located in a different district, district of location (DOL)?

In this case, the DOL where the private school is located is responsible for completing assessments, determining eligibility, and, if appropriate, making an offer of FAPE. For the student to receive the offer of FAPE, the student must enroll in their DOR public school. At this time, the DOR may review the offer of FAPE developed by the DOL and offer a comparable IEP until the 30-day interim IEP is held. Then the DOR may offer FAPE as appropriate to the student in their district.

Goals, the ISP and SEIS

An ISP is not an offer of FAPE, therefore, goals are not a mandatory part of an ISP. When offering an ISP, the only SEIS forms needed are the Individual Service Plan (private school) and Notes.





But why aren't goals included in an ISP?

When considering Educational Benefit present levels dictate goals, which in turn, determine FAPE. Parents are choosing to decline special education placement, where goals are supported. Without the comprehensive placement recommended in the offer of FAPE, the district cannot reasonably assume progress will be made on goals.

However, service providers should consider proposed goals as inspiration for instructional planning for ISP students. Additionally, present levels will indicate areas to be addressed during ISP service time. Please note that progress reports on goals are not required for a student with an ISP.

Points of consideration:

- When a student requires an assessment, the DOL should consider reaching out to the DOR to notify the DOR an assessment has been requested. The DOR may want to consider assessing the student instead of the DOL since the DOR would be the district implementing FAPE. This is a conversation between districts. However, the DOL is the district responsible for assessment.
- If the DOL is completing the assessment, invite the DOR to the IEP meeting to review assessments.
- Child Find obligations are the responsibility of both the DOR and the DOL. A letter should be sent out annually to families notifying them of their rights to receive services for their child should the student be eligible to receive special education services.
- Preschool students ages 3 to 5 should have an IEP even if the child is attending a private preschool. For additional information related to preschool students, refer to the CDE link below: <https://www.cde.ca.gov/ds/sp/cl/calpadsupdf167.asp>
- Consider creating an ISP agenda based on the ISP form and providing the parents a copy of their procedural safeguards.

ISP Process

When a parent indicates to you that their child will be attending a private school, first determine (using the included visual) what portions of the process your district is responsible for completing.

If a student is returning from private school, schedule a 30-day interim IEP to review the IEP and provide a new offer of FAPE. Complete additional assessments as necessary.





Visual of Responsibilities

| District of Residence (DOR) | District of Location (DOL) | Your District Completes Assessment. | Your district implements if FAPE if accepted. | Your district creates/ implements ISP yearly. |
|---|---|-------------------------------------|---|---|
| Your district | Your district | X | X | X |
| Your district | Not your district in El Dorado County | | X | |
| Your district | Not your district outside of El Dorado County | | x | |
| Not your district in El Dorado County | Your district | x | | x |
| Not your district outside of El Dorado County | Your district | x | | x |

In summary, ISPs can be complicated. Remember, EDCOE Program Specialists are here to assist with the process and answer any questions.

