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# IDEA: KEY ISSUES

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Sponsored by Catapult Learning  
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# KEY ISSUES

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- What is IDEA?
  - Who is eligible?
  - How do they get identified?
  - How do they get services?
    - Who pays?
    - How is the program of services determined?
  - What strategies will help?
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# WHAT IS IDEA?

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# HISTORY OF IDEA

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- 1975: Education for All Handicapped Children Act—PL 94-142
  - Guaranteed Free, Appropriate Public Education (FAPE) to each child with a disability in every state and locality.
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# TWO CIVIL RIGHTS RESPONSIBILITIES

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- LEA must:
    - Locate, identify, and evaluate any child suspected of having a disability (Child Find)
    - If found to have a disability, child must be offered a “free, appropriate public education” (FAPE)
  - If parents refuse FAPE...
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# PARENTALLY-PLACED STUDENTS

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- Parentally-placed private school children do not have an individual entitlement for services
  - Parents gave this up when they refused FAPE
  - These children are now part of the group of children that may receive services, but no longer individually entitled to services
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# FEDERAL EDUCATION PROGRAM

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- Parentally-placed private school children receive equitable participation in federal program—funding about 20% of the cost of services
  - The GROUP of private school children are entitled to have IDEA funds spent on meeting their needs
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# WHO IS ELIGIBLE?

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# NEED FOR SERVICES

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- A child with one of the named disabilities

AND

- Who needs special education and related services
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# CHILD WITH A DISABILITY

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The following conditions are considered disabilities under IDEA:

- Mental retardation
  - Hearing impairments (including deafness)
  - Speech or language impairments
  - Visual impairments (including blindness)
  - Serious emotional disturbance
  - Orthopedic impairments
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# DISABILITIES (CONT.)

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- Traumatic brain injury
- Other health impairments
- Autism
- Specific learning disabilities



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# HOW DO THEY GET IDENTIFIED?

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# RESPONSIBILITY

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Responsibility for Child Find, Child Count  
and Services



- The LEA where the private school is located is responsible for Child Find, Child Count, and Services—and will receive funding from the SEA
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# CHILD FIND

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- Children who are identified through the CHILD FIND evaluation process are eligible for services.
  - LEA is responsible for locating, identifying, and evaluating any child suspected of having a disability, including those in private schools
  - Parents initiate the process with the LEA with support and assistance from private school personnel
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# CHILD FIND EVALUATION

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- Any child suspected of having a disability is entitled to an evaluation—LEA can determine if the child is “suspected” of having a disability and decide not to evaluate
  - LEA must have parent permission before initiating an evaluation
  - Public and private school students are assessed and evaluated in the same way and on the same timeline
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# CHILD FIND TIMELINE

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Child Find must be completed within 60 days of signed parental consent, or according to the state timeline (if one exists)

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# RE-EVALUATIONS

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- May not occur more than once each year
  - Must occur once every three years, unless parent and LEA agree unnecessary
  - May occur at the request of the parent or if the child's disability status may have changed
  - Child remains in the child count all the time the child find evaluation remains current
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# CHILD COUNT

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- The count of parentally-placed private school children with disabilities is taken annually.
  - The amount of IDEA funds available to serve these children is the same as the proportion of private school children with disabilities is to the total number of children with disabilities in the LEA.
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# CHILD COUNT EXAMPLE

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- Private school students with disabilities: 30 Public school children with disabilities: 1000
  - Total: 1030; private school students are 2.9% of total
  - Total funds \$1,000,000 x 2.9% = \$29,000 for private school students with disabilities
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# INTERVENTION SERVICES

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- Some districts require intervention services take place before the need for an evaluation is determined.
  - Document interventions and accommodations made in the classroom prior to requesting a Child Find evaluation for the student.
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# RESPONSE TO INTERVENTION

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- Response to Intervention (RTI) is one method to assist in determining presence of a Specific Learning Disability (SLD)
  - Some states mandate that their public schools use RTI
  - There is no RTI requirement for private schools—this is the LEA's program
  - If RTI data is not available, LEA has responsibility to obtain other data for making SLD determination
  - No child can be denied child find because private school does not have RTI program
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# HOW DO THEY GET SERVICES?

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# SERVICES PLAN

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- Parentally placed students receiving services receive an Individualized Services Plan (ISP) .
  - The ISP includes all interventions funded by IDEA
  - The ISP does not include accommodations made by the private school or any recommended services not being funded by IDEA.
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# REVIEW AND CHANGES

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- A services plan must be reviewed at least annually to determine if goals are being achieved
  - Parents must be included in development and revision of services plan
  - LEA must ensure participation by private school personnel in development and revision of services plan
  - Can be reviewed if student circumstances change, parents request, etc.
  - Can be changed without a child study team if parent and LEA agree to the change
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# DIRECT SERVICES

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- Legislative history: Direct services should be provided directly to students with disabilities, unless there is a compelling reason not to do so.
  - Guidance: No obligation to provide direct services—services are determined through consultation based on student needs and funding available
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# LOCATION OF SERVICES

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- Location of services must be discussed in consultation. Preference should be given to providing services on site at the private school

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# THIRD PARTY PROVIDERS CAN...

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- Conduct Child Find for private school students on behalf of the LEA;
- Provide all or some services to parentally-placed private school children with disabilities; and

\*\*Third party providers must be independent of private school or any religious organization\*\*

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# DISCUSSION OF THIRD PARTY

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- The option of a third party providing the services must be included in the consultation process
  - The private school official must be given a genuine opportunity to express his or her views on use of a third party
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# WHO PAYS?

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# PROPORTIONAL FUNDING

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- The proportion of children with disabilities attending private schools compared to all students with disabilities in the district
  - The cost of child find is not paid for with the proportional share of IDEA funding; this funding is only for services after identification as a child with a disability
  - If not all funds are spent in the current year, they must be carried over for another year
  - State and local funds may supplement, but not supplant, the proportionate share of Federal funds required
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# COST OF SERVICES

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All funds for IDEA services are under the control of the school district in which the private school is located.

The LEA provides services to parentally-placed private school students either:

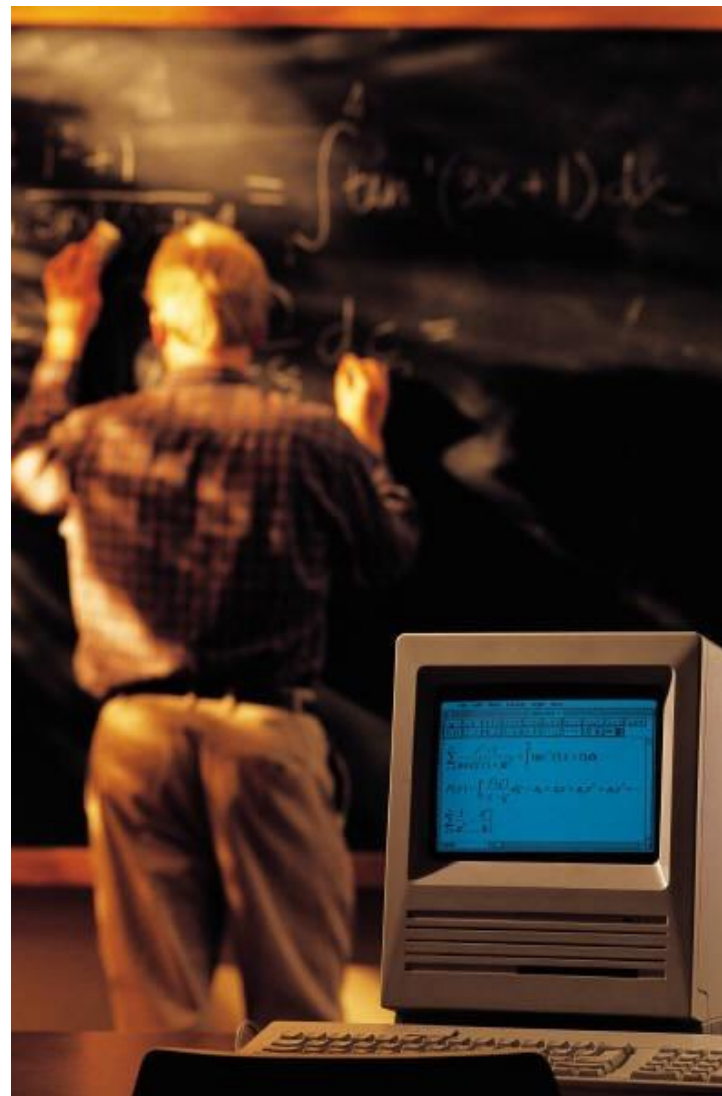
directly with their own personnel or through a contract with a third party

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# HOW IS THE PROGRAM OF SERVICES DETERMINED?

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# REQUIRED CONSULTATION TOPICS

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- How the children's needs will be identified
  - What services will be offered
  - How, where, and by whom the services will be provided, including location of services
  - Child Find process and access to it
  - How the services will be assessed and how the results of the assessment will be used to improve those services
  - Size and scope of equitable services and the amount of funds available for those services and what services are offered when insufficient funds to offer all
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# CONSULTATION

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- How, where, and by whom services will be provided, ensuring views of private school officials are considered
  - Preference given to on site services
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# SAFEGUARDS

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- Written analysis by the LEA to private school officials giving the reasons the request for a third party was declined by LEA if decline third party request
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# SAFEGUARDS (CONT.)

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- Sign off (written assurance)
    - Timely and meaningful
    - Appropriate topics discussed
    - Views of private school heard
    - Reasonable expectation of equitable program
  - Complaint procedure similar to Title I
    - LEA did not engage in consultation that was meaningful and timely or
    - Did not give due consideration to the views of the private school official
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# DATA COLLECTED

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- Each school district reports annually to the state:
    - Number of students evaluated
    - Number of private school students found to have a disability
    - Number of private school students with disabilities being served
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# DUE PROCESS

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- Parent has the right to file a due process complaint regarding the child find requirements
  - Due process does not apply to issues regarding the provision of services to any particular parentally placed private school child with disabilities whom an LEA has agreed to serve because there is no individual right to services for parentally-placed private school children
  - Parents can use the state complaint procedure
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# PRE-SCHOOL SERVICES

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# ELIGIBILITY

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- Nonprofit institutional day or residential school that provides elementary education, as determined under State law.
  - Aged 3-5 enrolled by his or her parents in a private school that does not meet the State's definition of "elementary school" would not be eligible for equitable services.
  - State's obligation to make FAPE available to such a child remains.
  - FAPE can be made available at private pre-school
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# WHERE TO FIND MORE INFORMATION

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- Council for American Private Education (CAPE):  
<http://www.capenet.org/IDEA.html>
  - Office of Non-Public Education (ED):  
<http://www.rrfcnetwork.org/images/stories/FRC/IDEA/idea.pdf>
  - Education Department's IDEA site:  
<http://idea.ed.gov/explore/home>
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INDIVIDUALS  
WITH DISABILITIES  
EDUCATION ACT

# Review of Key IDEA Issues

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- ❑ Meaningful consultation
- ❑ Proportional share funding
- ❑ Understanding child find

# Meaningful Consultation

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- ☐ Are you invited to come and listen to what the district has decided?
- ☐ Does the district have a one-size-fits-all approach?
- ☐ Do you have a way to gather input from teachers and parents?



# Tools for Meaningful Consultation

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- ❑ Consultation process checklist (tool 1.1)
- ❑ Sample meeting agenda and timeline (tool 1.2)
- ❑ Ideas for a consulting committee (tool 1.5)
- ❑ Teacher survey (tools 1.12A and B)
- ❑ Parent survey (tools 1.13A and B and 1.14)

# Proportional Share Funding

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- ❑ Do you know how much money your children have generated?
- ❑ Do you know how the proportional share of funding was calculated?

# Tools for Determining Funding

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- ❑ October 1 to December 1 count (tool 1.7)
- ❑ Worksheet for calculating proportional share (tools 1.8A and B)

# Understanding Child Find

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- ❑ Do your teachers and parents know how to obtain a Child Find evaluation?
- ❑ Are you required to conduct an RTI process before your students can be evaluated?
- ❑ Do your teachers have the tools to know when referring for child find is appropriate?

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# STAY IN TOUCH!

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