

EQUITABLE SERVICES Through the Cape Henlopen School District

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Norms

- Consultation about the group needs, overall
- We can do a follow up about any individual needs.
- Specific issues with a student can be a follow up and not addressed whole-group
- Respectful conversation
- Meaningful consultation as a group
- Questions about individual services will not be answered in this format

What is IDEA?

- IDEA is the federal law that ensures that all children with disabilities receive a free appropriate public education (FAPE).
- IDEA provides benefits and services to children with disabilities in public schools as well as in nonpublic schools.

Requirements of IDEA

- Under IDEA, districts have an obligation to provide parentally-placed private /homeschooled children with disabilities an opportunity to participate in the services funded with IDEA Part B funds.
- After timely and meaningful consultation, the district must make available services to those parentally-placed private/homeschooled children with disabilities that have been designated to receive equitable services.

What is Equitable Services ?

Equitable services are special education and related services, including direct services, provided to parentally-placed private/homeschool students children with disabilities in accordance with the provisions of IDEA and its implementing regulations in 34 C.F.R. §§ 300.130 through 300.144

Consultation

- The consultation process is important to ensure the provision of equitable services.
- How, where, and by whom special education and related services will be provided for parentally-placed private/homeschool students with disabilities are determined during the consultation process.

Consultation

- Consultation is a mandatory process that involves discussions between the district, private school representatives, and representatives of parents of parentally-placed private or homeschooled children with disabilities on key issues relating to their participation in Federally funded special education and related services.

Process for Consultation

HOW: Contact Angela Biller by email at angela.biller@cape.k12.de.us or phone at 302-645-6686 to request a consultative meeting

WHEN: When there are concerns that a parentally placed private school or homeschooled student may be a student with a disability and in need of special education or related services.

WHERE: Meetings can occur in the parentally placed private school, homeschool location, school district location or zoom

Who is Responsible for Providing Equitable Services

- District where the private school is located – not the district of the parent’s residence-is responsible for ensuring equitable participation.
- District where the homeschooled student resides
- There will be a residency check through our Central Registration

Individual Rights

No parentally-placed private or homeschooled 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. 34 C.F.R. § 300.137(a).

Child Find Process

- 1. Central Registration will check address of homeschool students (Guardian ID and proof of residency) or for private schools, personnel will reach out to Angie Biller
- 2. Meeting to discuss testing process with parent/guardian and private school members (if applicable)
- 3. Permission to Evaluate Given to Guardian
- 4. Testing scheduled at a mutually agreed upon time between Cape School District and student.
- 5. Meetings are held to determine if the student qualifies for special education services

Services Plan

- Based on the services the LEA makes available to PPPS with disabilities, a services plan must be developed and implemented for each student designated by the district to receive services.

Services Plan

- The district Must:
 - Initiate and conduct meetings to develop, review and revise a services plan for the child.
 - Ensure that a representative of the private school attends each meeting

IEP vs Service Plan

Individualized Education Program (IEP)

- Services determined by an IEP team
- Comprehensive
- Full range of services funded by Part B IDEA funds
- Individualized by needs to meet the requirements of Free Appropriate Public education (FAPE)

Service Plan

- Only includes the services being offered by the district
- No individual right to receive some or all of the special education or related services the child would receive if enrolled in public school

What is Proportionate Share?

Proportionate share is the amount of IDEA Part B Section 611 Federal funds the district must set aside to provide special education services to parentally placed private, and home school children with disabilities ages 5-22 who have been evaluated and determined eligible for special education services.

Calculating Proportionate Share

Number of Eligible Children with Disabilities

In public schools 300

In Private Schools + 20

 320

Federal Part B flow
through \$\$\$
LEA receives

\$152,500

$$\frac{\$152,500}{320}$$

\$476.57 a student

X 20 students

**\$9,531.25 for
proportionate share**

Process for Making Decisions

Timely and meaningful consultation must occur before any decisions are made that will affect the participation of parentally-placed private/homeschool students children with disabilities in IDEA Part B programs. 34 C.F.R. § 300.134.

Thus, decisions about services may not be made in advance or in the absence of timely and meaningful consultation.

Process for Making Decisions

After timely and meaningful consultation has occurred with private school representatives and representatives of parents of parentally-placed private/homeschool students children with disabilities, the district is responsible for making final decisions about all aspects of the services to be provided to parentally-placed private/homeschool students children with disabilities attending private schools and home schools located in the boundaries of the district

34 C.F.R. § 300.137(b).

Decisions

If the district disagrees with the views of the private school officials or the parent representation (the parents of private school or homeschooled children with disabilities) on the provision of services or the types of services, whether provided directly or through a contract, the district must provide a written explanation of the reasons why the district chose not to accept the recommendations of the private school officials and/or parent representation.

Process for Disagreements

1. Discuss the matter with the district or the Delaware Department of Education (DDOE)
2. Formal complaint to the DDOE

If the private school or officials or parent representation are unsatisfied with the decision of the complaint, the complaint can be forwarded to the Delaware Secretary of Education.