

**Private Schools**  
**State Board Rule 160-4-7-.13**  
**Procedures: Special Education Referrals for Children Placed in Private Schools Located in  
Towns County by their Parents and Home School Children**

If a parent or private school staff suspects a child of having a disability, the Towns County School System will conduct an evaluation within established legal guidelines. The child must pass hearing and vision screening. Towns County Schools can conduct a hearing/vision screening at Towns County Elementary School (with consent), or parents may obtain hearing/vision screening from the child's physician or the health department. As soon as the request for evaluation is received by an employee of Towns County Schools, it should be given to the Director of Special Education. The Director of Special Education will review the request with the School Psychologist. The Director of Special Education will set up a meeting with the parent. The Director of Special Education will invite the student's teacher from the private school with parental permission. The School Psychologist will be invited as well as any therapists in which an area of concern has been raised by the private school or parents. At the meeting, the participants from Towns County Schools will take down pertinent background, historical, and current information. The parent will also be asked to provide information about the child on the case history form and to sign the *Consent for Evaluation* along with providing some feedback on checklists. Parental feedback protocols will be based on the nature of the concern and provided by the School Psychologist and therapists, as appropriate, at this meeting. Parents will be asked to complete an informational packet provided by the registrar containing information pertinent to the school information system. Parents and private schools are asked to provide documentation of interventions tried prior to referral. The feedback will help the evaluator identify the student's deficits in the area(s) of suspected disability. After consent for evaluation is obtained at the meeting, appropriate members of the evaluation team are notified. A date is set in cooperation with the parties on which the eligibility meeting can be held. The referral is logged on the evaluation schedule by the School Psychologist.

Towns County Schools will evaluate private school/home school students within the Georgia Department of Education sixty (60) day timeline requirement. Once testing is complete, the team will meet to determine eligibility on the date that had been determined at the initial referral meeting. If the team agrees that the child meets eligibility requirements, a date will be set cooperatively among all parties on which to develop the IEP (if the student is a resident of Towns County) within 30 days of the eligibility determination.

The team will then meet to develop and offer the IEP. If the parents choose to accept the IEP and enroll the child, the IEP will be implemented upon the enrollment date. If a parent's decision is to decline enrollment into Towns County School and to continue with the private school placement, the team will consider what services Towns County Schools may provide. Towns County Schools has agreed to use its private/home school allocation to provide Speech/Language services to those students found eligible for Speech/Language services, for as long as the funding for the allocation is available.

For children **ages 3-21**, Towns County Schools is required to expend an amount that is the same proportion of its total Part B of IDEA flow through funding as the number of private school children with disabilities, ages 3-21, residing in its jurisdiction is to the total number of children with disabilities, ages 3-21, in its jurisdiction.

For children **ages 3-5**, Towns County is required to expend an amount that is the same proportion of its IDEA preschool funding as the number of private school children with disabilities, ages 3-5, residing in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.

Towns County Schools controls and administers the funds used to provide special education and related services and holds title to and administers materials, equipment, and property purchased with those funds. The system ensures that the equipment and supplies placed in a private school are used only for special education purposes and can be removed from the private school without remodeling the private school facility. Equipment and supplies may be removed from a private school by Towns County if they are no longer needed for special education purposes or the removal is necessary to avoid their unauthorized use for other than special education purposes.

If a private school/home school student is found to be eligible for Speech/Language services, an **Individual Service Plan (ISP)** will be developed to provide Speech/Language services. Services will be provided on the campus of Towns County Elementary School. Special Education transportation is not provided. The Individual Service Plan (ISP) will be reviewed annually. An **Individual Education Plan (IEP)** will be offered if the student intends to enroll in Towns County Schools; and if the student does not enroll, a new Service Plan will be written as long as the student remains eligible. When the Individual and subsequent Individual Service Plans are developed, Towns County Schools will ensure that a representative of the private school attends the meeting. If the representative cannot attend, Towns County Schools shall use other measures to ensure participation, including individual or conference telephone calls.

Equitable services will be provided. Services provided to private school children with disabilities will be provided by personnel who meet the same standards as personnel providing services in the public schools, except the personnel is not required to meet the highly qualified definition. However, parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

Children who live in Towns County who are **home-schooled** are also considered parentally placed private school students. It is the responsibility of Towns County Schools to locate, identify, and evaluate all private schools children with disabilities enrolled by their parents in private (including religious, elementary and secondary schools) located in Towns County. Towns County Schools consults with appropriate representatives of private school children with disabilities to carry out Child Find activities. These activities are similar to those undertaken for the public school children and completed in a time period comparable to that for children attending public schools.

**Procedures for students who attend private school in Towns County but are not Towns County Residents**

If the student does not live in Towns County but attends a private school in Towns County, Towns County Schools will evaluate the child and the Eligibility Team will determine eligibility. It is the responsibility of the parent to relay the eligibility status to the system of residence. The system of residence is responsible for offering services, not Towns County Schools. If the student attending a private school in Towns County is found eligible for Speech/Language services (the special education service agreed to be offered to private school students eligible for this service) and if there is space available, then a Service Plan can be developed for Towns County speech services only.

**Private School Residency Responsibilities to Towns County 3 and 4-Year-Old Residents attending Preschools/Prekindergarten Connected to Primary/Elementary Schools Outside Towns County**

	District of Residence	Private School District
Initial Evaluation	Yes	No
Eligibility	Yes	No
IEP/FAPE Offered	Yes	No
Individual Service Plan	N/A	N/A

**Private School Residency Responsibilities for Students Aged 5-21 who are attending Schools Outside Towns County Schools**

	District of Residence	Private School District
Student Support Team Documentation	No	Yes
Initial Evaluation & Reevaluations	No	Yes
Eligibility	No	Yes
IEP/FAPE	Yes	No
Public Education Offered		
Service Plan	No	Yes

*NOTE: In order for school systems to share eligibility data and reports, they must first secure permission to release/obtain records from the parents.*

The district of residence always has some responsibility to conduct child find for any of its residents. When a child is enrolled in a private school in another district, then both districts have an obligation, and they work together so as to not delay access to the **Child Find** activities.

## **Placement of Children by Parent in Private Schools**

*(from the Georgia Department of Education Special Education Rules Implementation Manual, April, 2011)*

Towns County Schools is not required to pay for the cost of education, including special education and related services for the child **parentally placed** at a private school, if FAPE (Free and Appropriate Education) was made available for the child. Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment must be secular, neutral, and non-ideological. According to State Board of Education rules, each local education agency\school system makes the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities prior to the start of the school year. Speech/Language services will be offered to eligible private school students.

### **Private school placement may occur in three circumstances:**

1. First, if Towns County Schools determines that it cannot provide a free appropriate public education (FAPE), the system will identify and pay for a private school to provide services. This is at no cost to the parent.
2. Second, a parent may remove the child from public school at any time and enroll the child in private school. Under certain circumstances the parent may request reimbursement from the school district to pay for the private placement. The parents must tell the IEP team they disagree with the proposed IEP and placement and want Towns County Schools to reimburse them.

The parents may also notify the school system in writing, at least 10 days prior to removing the child from public school, that they disagree with the IEP and placement and want the school system to reimburse them for the private school tuition.

If Towns County Schools asks to evaluate the child during the 10 day period and the parents refuse, then reimbursement may be denied. If the parents want to be reimbursed for all the costs of private school and the district does not agree to it, the parties must go before a due process hearing officer to determine whether the public school provided FAPE.

3. Third, the parent may choose to use a private school instead of public school at the parent's expense, in which case, FAPE is not an issue.

When the student is in private school by parent choice, the student and the parent lose their individual rights to special education services; however, to the extent consistent with their number and location in the state, provisions are made for the participation of private school children with disabilities in programs provided under Part B of the Individuals with Disabilities Education Act (IDEA) by providing children with special education and related services in accordance with this section. No parentally-placed private 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.

### **Children with Disabilities in Private Schools Placed or Referred by Towns County Schools**

Towns County Schools ensures that a child with disability who is placed in or referred to a private school or facility by the school system as a means of providing special education and related services is provided special education and related services in conformance with an IEP at no cost to the parents and is provided an education that meets the standards that apply to education provided by the Georgia Department of Education (Georgia Department of Education (GaDOE)) and by Towns County Schools and has all of the rights of a child with a disability who is served by Towns County Schools.

The Georgia Department of Education shall monitor compliance of these children through procedures such as written reports, on-site visits and parent surveys; disseminate copies of State standards to each private school and facility to which Towns County Schools has referred or placed a child with a disability; and provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them.

### **Placement of Children by Parents when FAPE is at Issue**

If Towns County Schools made a free appropriate public education (FAPE) available to a child and the child's parents elect to place the child in a private school or facility, Towns County Schools is not required to pay for the cost of the education, including special education and related services, for the child at the private school or facility. Disagreements regarding the availability of a program appropriate for the child or concerning the question of financial responsibility are subject to the procedural safeguards provided in State Board of Education Rule 160-4-7- .09.

### **Reimbursement for Private School Placement**

If the parents of a child with a disability, who previously received special education and related services in a local educational agency/school system enroll the child in a private preschool, elementary school or secondary school without the consent of or referral by Towns County Schools, a court or an administrative law judge (ALJ) may require the school system to reimburse the parents for the cost of that enrollment if the court or ALJ finds that the school system had not made a FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by an ALJ or a court even if it does not meet the state standards that apply to education provided by the State or local education agency.

The cost of reimbursement described above may be reduced or denied if:

- At the most recent IEP Team meeting that the parents attended prior to the removal of the child from the local education agency, the parents did not inform the IEP Team that they were rejecting the placement proposed by the school system to provide a FAPE to their child and did not state their concerns or their intent to enroll the child in a private school at public expense; or
- At Least 10 business days prior to the removal of the child from the local education agency, the parents did not give written notice to the school system that they were rejecting the placement proposed by the school system to provide a FAPE to the child

and did not state their concerns or their intent to enroll the child in a private school at public expense;

- If, prior to the parent's removal of the child from the school system, the system informed the parents through the notice requirements of its intent to evaluate the child, including a statement of the purpose and scope of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation; or
- Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

#### **Exception to Limitation on Reimbursement**

The cost of reimbursement must not be reduced or denied for a parent's failure to provide the notice to the local education agency described above, if:

- The school prevented the parents from providing the notice;
- The parents had not been provided a copy of the parent's rights under IDEA and, therefore, had not been notified of the requirement to provide the notice described in above; or
- The provision of notice would likely result in physical harm to the child.

The cost of reimbursement may, in the discretion of the court or administrative law judge, not be reduced or denied for a parent's failure to provide the notice to the school system described above, if:

- The parents are not literate or cannot write in English; or
- The provision of notice would likely result in serious emotional harm to the child.