

# **ATTACHMENT**

**J.15**



## Private and Religious Office (PRO)

### District of Columbia Public Schools, Office of Special Education: Statement of Services Agreement for Parentally-Placed Private School Children with Disabilities

#### *Private and Religious Office (PRO)*

The District of Columbia Public School's (DCPS) Private and Religious Office (PRO) is responsible for locating, identifying, and evaluating all parentally-placed private school children ages 3-22 who have a disability or are suspected of having a disability who are parentally-placed in a private elementary or secondary school located within the District of Columbia (DC).<sup>1</sup> Elementary school is defined as "a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined by state law."<sup>2</sup> DC defines elementary education as including the two years prior to a child's eligibility for enrollment in kindergarten (which includes children in preschool and children in prekindergarten). DC's definition of elementary school includes child development centers serving preschool and prekindergarten aged children.<sup>3</sup> The term "private school" means a school that is not under Federal or public supervision or control, which includes religious schools.<sup>4</sup> This agreement does not apply to students whose parents have chosen to home-school their children.

#### *Purpose*

This document outlines the special education and related service (equitable services) DCPS will provide to parentally-placed private school children with disabilities as required by the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 (P.L. 108-446). This Statement of Services replaces the prior Statement of Services from 2005. Though the responsibilities of DCPS to parentally-placed private school children with disabilities are different from its responsibilities to children enrolled in public schools, DCPS is committed to ensuring that all eligible students with disabilities receive special education services, including parentally-placed private school children with disabilities. Parentally-placed private school children with disabilities may receive different services than children with disabilities enrolled and attending a D.C. public school.<sup>5</sup>

#### *Free Appropriate Public Education (FAPE)*

The school district ("district") in which a child resides is responsible for ensuring FAPE is available. The District where a child resides is responsible for making FAPE available to parentally-placed children with disabilities who attend a private school unless the parent makes clear his or her intent to keep the child enrolled in the private school.

If a determination is made through the child find process by the district where the private school is located that a child is eligible for special education and a parent makes clear his/her intent to keep the child enrolled in the private school, the district where the child resides is not required to make FAPE available. However, if a parent chooses to accept the offer of FAPE and enroll the child in a public school, then the district where the child resides is obligated to make FAPE available.

#### *Children Placed in Private Schools Located in DC*

The PRO will serve parentally-placed children with disabilities who attend a private school that is located within DC.<sup>6</sup> A parent who does not reside in DC who chooses to place their child in a private school located in DC will be served by the PRO.

#### *Children Placed in Private Schools that are Not Located in DC*

<sup>1</sup> §300.131, §300.132

<sup>2</sup> §300.13

<sup>3</sup> DCMR, Division VI, Title 38, Subtitle I, Chapter 2A, Subchapter I, § 38-271.01

<sup>4</sup> 34 CFR Part 77

<sup>5</sup> §300.137, §300.138

<sup>6</sup> §300.131(f), §300.132



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If a parentally-placed private school child with a disability attends a private school in a district that is located outside of DC, a parent may request that the PRO determine whether their child is eligible for special education (the parent would still have to submit the referral form and required enrollment forms), including evaluations (if necessary). However, the PRO will not write Individual service plans (ISPs)<sup>7</sup> nor will it provide equitable services (should the child qualify) for these children. These parents should contact the district in which the private school is located to find out what equitable services are available to parentally-placed private school children with disabilities.

### **Child Find**

DCPS must conduct a thorough and complete child find process (which includes locating, identifying, and evaluating children) for parentally-placed private school children ages 3-22<sup>8</sup>. DCPS must conduct child find for children who are in non-profit and for-profit elementary and secondary schools located within DC. Early Stages, in collaboration with the PRO, operates the child find process for all children ages 3 – 5 years and 10 months, including parentally-placed private school children with disabilities or who are suspected of having a disability. The PRO operates the child find process for parentally-placed children with disabilities and parentally-placed children who are suspected of having a disability.

As part of the Child Find process, the PRO will send copies of the relevant PRO documents to private schools that are located within DC in order for private schools to inform parents of children with disabilities and those who are suspected of having a disability. These forms will also be available on the PRO's website and will be sent to parents who request them. The process to determine a parentally-placed private school child's eligibility begins when a child is referred to the PRO. In order for a child to be evaluated, a parent must have submitted the required PRO forms (available on the PRO website).

### **Funding**

The amount of funds that are available to be spent on parentally-placed private school children will be proportionate to the amount of federal funds available, consistent with IDEA.<sup>9</sup>

### **Data Collection**

DCPS will collect the following data for parentally-placed private school children ages 3-22, including:

- the number of children evaluated for special education;
- the number of children determined to be children with disabilities; and
- the number of children served.<sup>10</sup>

### **Eligibility Determination**

In order to determine eligibility for special education and its associated services, a child must first be referred to the PRO (with signed consent from a parent/guardian). After the initial referral, the parent must complete and submit the required forms with the PRO (available on the PRO website). When the required forms have been completed and submitted, the PRO will work with the parent to evaluate the child in a timely manner. The eligibility process is different for children who are 3 years old to 5 years and 10 months than for children who are 5 years and 10 months to 22 years old:

For children who are 3 years old to 5 years and 10 months: The evaluation and eligibility meeting will be conducted by Early Stages, and in most cases will be held at Early Stages. Early Stages is a DCPS diagnostic center that serves children who are 3-5 years and 10 months old.

For children who are 5 years and 10 months to 22 years old: The evaluation and eligibility meetings will be

<sup>7</sup> The definition DCPS uses for an ISP is the same definition that exists in §300.37 for a "Services plan."

<sup>8</sup> §300.131, DCMR/DC Code

<sup>9</sup> §300.133

<sup>10</sup> §300.132



conducted by DCPS and in most cases will be held at a DCPS local school. The DCPS local school could be the DCPS public school closest to (1) the private school in which the child is enrolled or (2) the student's neighborhood DC public school.

**Children Found Eligible for Special Education**

Residents of DC	Non-Residents of DC
<p><u>Families of Children Ages 3 - 5 years and 10 months:</u></p> <ol style="list-style-type: none"> <li>The parent will be offered an individualized education program (IEP) and a placement in an appropriate site for services. <i>A parent may choose to decline an IEP (before it is written) if they know they do not want their child to be placed in a DCPS school and do not want to see the IEP. By declining an IEP and a placement in an appropriate site for services, a family may be declining services that are available to DCPS students and that are not available to parentally-placed private school children. Should a parent decline an IEP and placement before they are offered, the PRO will still offer #2 below (an ISP and equitable services) below.</i></li> <li>If the parent chooses to decline the IEP and placement, the parent will then be offered an Individual service plan (ISP) and the equitable services for which they qualify.</li> <li>If the parent chooses to decline the ISP and the equitable services for which they qualify, the PRO will close the case. <i>A parent may choose to re-enroll their child with the PRO at any time in the future.</i></li> </ol>	<p><u>Families of Children Ages 3-22:</u></p> <ol style="list-style-type: none"> <li>The parent will be offered an ISP and the equitable services for which they qualify.</li> <li>If the parent chooses to decline the ISP and equitable services, the PRO will close the case. <i>A parent may choose to re-enroll their child with the PRO at any time in the future.</i></li> </ol>
<p><u>Families of Children 5 years and 10 months - 22:</u></p> <ol style="list-style-type: none"> <li>The parent will be offered an ISP and the equitable services for which they qualify.</li> <li>If the parent chooses to decline the ISP and equitable services, the parent may choose to enroll their child in a DCPS local school and will then receive an IEP and the related services for which they qualify.</li> <li>If the parent chooses to decline to enroll their child in a DCPS local school and declines an IEP and related services, the PRO will close the case. <i>A parent may choose to re-enroll their child with the PRO at any time in the future.</i></li> </ol>	

**Equitable Services**

DCPS will provide the following equitable services for parentally-placed private school children with disabilities who are determined to be eligible for special education by DCPS and have accepted the ISP:



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- All students who qualify for speech/language services: up to one hour per week of speech/language services;
- For children prior to 5 years and 10 months who qualify: up to one hour per week of occupational therapy;
- For children prior to 5 years and 10 months who qualify: up to one hour per week of physical therapy;
- All students 5 years and 10 months and above who qualify for occupational therapy: up to two school-based consultations per school year for consultative occupational therapy;
- One full-time special education teacher who will provide support to private elementary and secondary school (which includes child development centers) administrators and staff including:
  - For students in 4<sup>th</sup> grade and above (based on availability): professional development opportunities in regards to Functional Behavior Assessment (FBA) or Behavior Intervention Plan (BIP) implementation;
  - For all students (based on availability): coaching for differentiated instruction and behavioral supports; and
- DCPS will open relevant professional development opportunities to private school (which includes child development centers) administrators and staff, when possible.

### Equitable services:

- are generally delivered at the DCPS local school though they may be delivered, at DCPS's discretion, elsewhere if necessary;
- may be delivered during the school day, before the school day, or after the school day; and
- are not available for parentally-placed private school children with disabilities who are enrolled in a for-profit elementary or secondary school.<sup>11</sup>

### *Timely and Meaningful Consultation with Representatives of Private Schools and Parents*

Representatives from DCPS must consult regularly with representatives of private schools and representatives of parents of parentally-placed private school children with disabilities. The objective of these meetings is to have an ongoing dialogue related to the implementation of this agreement. Timely and meaningful consultation will occur via quarterly meetings (four times a year) at the PRO. As necessary, the PRO will inform DCPS principals, administrators, and staff of PRO policies.<sup>12</sup> To learn more about these meetings, please contact the PRO.

### *Complaints*

A private school official has the right to submit a complaint to the OSSE (Office of the State Superintendent of Education) that DCPS did not engage in meaningful and timely consultation or did not give due consideration to the views of the private school official. A complaint must provide the basis of the private school official's belief that the district did not comply with the consultation requirements. DCPS will forward appropriate documentation related to the complaint to the OSSE. If the private school official is dissatisfied with the decision of the OSSE, the official may submit a complaint to the Secretary of the U.S. Department of Education providing the basis of the official's belief that DCPS did not comply with the consultation requirements, and the OSSE must forward the appropriate documentation related to the complaint to the Secretary of the U.S. Department of Education.

### *Contact Information*

Information regarding the PRO (including information for parentally-placed private school child with disabilities), guidance from the U.S. Department of Education, and guidance from the OSSE will be updated as necessary on the PRO website. Please visit the DCPS PRO website [<http://dcps.dc.gov/DCPS/PRO>] for this information.

<sup>11</sup> §300.13 and §300.36

<sup>12</sup> §300.134