

CHILD FIND IN PRIVATE & COURT ORDERED PLACEMENTS

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TYPES OF PRIVATE SCHOOL PLACEMENTS

- DISTRICT PLACED STUDENTS
- PARENTALLY PLACED STUDENTS
- COURT PLACED STUDENTS

DISTRICT PLACED STUDENTS

- District may place a student in a private school or facility to provide FAPE. (See 34 CFR 300.145-300.147)
- District placed students retain all procedural and substantive due process rights pursuant to IDEA. (See 34 CFR 300.146)

PARENTALLY PLACED STUDENTS

- Parents may use the provisions of IDEA to contest the provision of FAPE and place their child in a private school or facility.
- If the parents are successful in contesting the provision of FAPE the District may be required to pay for the private school or facility placement. (See 34 CFR 300.148)

PARENTALLY PLACED STUDENTS

- Students who are placed by their parents who are not contesting the provision of FAPE have no individual right to receive special education and related services. (See 34 CFR 300.137a)
- Due process procedures do not apply to the provision of FAPE to parentally placed students. (See 34 CFR 300.132 – 300.139)

PARENTALLY PLACED STUDENTS

- Two aspects of dealing with parentally placed students.
 - Provision of Services
 - Child Find

CHILD FIND

- Child find is the responsibility of the District in which the private school or facility is located.
 - “Each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district served by the LEA. . . . (See 34 CFR 300.131(a))
 - Child find activities must be similar to activities undertaken for students with disabilities in public school. (See 34 CFR 300.131(c))

CHILD FIND

- The child find process must be completed timely and in a comparable manner to all other students. (See 34 CFR 300.131(e))
- Parents may choose not to participate in the District's child find activities. (See 34 CFR 300.300(d)(4))

CHILD FIND AND SECTION 504

- Section 504 of the Rehabilitation Act of 1973 requires all entities that receive federal funds to not discriminate on the basis of disability.
- Districts are required to not only provide services to prevent disparate treatment, but to identify and locate every qualified individual with a disability residing within the District's boundaries who is not receiving a public education. (See 34 CFR 104.32)

WHAT REALLY MATTERS

- Two provisions that Districts must comply in conducting child find at private schools and facilities.
 - Districts must conduct timely and meaningful consultations with each school and facility within the district boundaries.
 - Districts must conduct a thorough and meaningful child find process.
 - See 20 USC 1412(a)(10)(A)(i)(II)

CONSULTATION PROCESS

34 CFR 300.134(a-e)

- The child find process, including how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
- The determination of the proportionate amount of federal funds available and how the proportionate share was calculated.

CONSULTATION PROCESS

- How the consultation will work among the lea, private school officials and representatives of parents of parentally placed children.
- How the process will operate throughout the school year to ensure children identified through the child find process will meaningfully participate in special education and related services.

CONSULTATION PROCESS

- How, where and by whom special education and related services will be provided.
- The types of services, direct services, alternate service delivery mechanisms.
- How services will be apportioned if the funds are insufficient to serve all children.
- How these decisions will be made.

CONSULTATION PROCESS

- If a disagreement arises between the lea and the private school official regarding services and who provides the service, the lea shall provide a written explanation of the reasons the lea chose the action.
- The District shall obtain a written affirmation from the private school or facility the timely and meaningful consultation occurred. (See 34 CFR 300.135)

COMPLAINT PROCESS

- A private school official can submit a complaint to the sea if the consultation process was not meaningful and timely or did not consider the private school's view.
(See 34 CFR 300.136)
- The complaint must provide the basis of the alleged noncompliance.
- The District must provide the sea with documentation of the process.
- A complaint may then be submitted to the Department of Education.

COURT PLACED STUDENTS

- The provisions of locating, identifying and evaluating all children with disabilities apply equally to court placed students.
- The state pays the costs of education for children in private residential treatment facilities.
- WYO. STAT. §21-13-315

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