

IDEA PART B
AFFIRMATION OF CONSULTATION
WITH PRIVATE SCHOOL OFFICIALS

The 2004 Amendments to *IDEA* expand upon the 1997 reauthorization and include new requirements to ensure that LEAs provide parentally placed private school children with disabilities an opportunity for equitable participation in programs assisted or carried out under *IDEA*, the foundation of which is the consultation process. The major provisions regarding children with disabilities enrolled by their parents in private, including religious, elementary and secondary schools are located in the statute at section 612(a)(10)(A) and in the regulations at 34 CFR §§300.130-300.144 and are summarized in the sections below.

- Agency responsibility for conducting child find activities and determining equitable services (34 CFR §§300.131–300.132);
- Consultation requirements (34 CFR §300.134);
- Written affirmation of timely and meaningful consultation (34 CFR §300.135);
- Child find activities (34 CFR §300.131);
- Data collection requirements (34 CFR §300.132(c));
- Determination and provision of equitable services (34 CFR §§300.137-300.138);
- Services plans for children with disabilities receiving equitable services (34 CFR §§300.132(b), 300.137(c) and 300.138(b));
- Permission for delivery of services at the private schools by LEAs, to the extent consistent with law (34 CFR §300.139(a));
- Determination of the proportionate share of federal *IDEA* funds to be spent on equitable services (34 CFR §300.133);
- Non-availability of an individual entitlement of parentally placed private school students to special education and related services (34 CFR §300.137(a)); and
- Complaint procedures for private school officials regarding consultation (34 CFR §300.136).

The Private School and Local School District is aware of:

- The requirement that state and local funds supplement, not supplant, the proportionate share of federal funds (34 CFR §300.133(d));
- The right of a parent to file due process complaints regarding child find and state complaints regarding equitable participation requirements (34 CFR §300.140);
- The requirements that funds not benefit a private school (34 CFR §300.141);
- The requirements regarding use of public and private school personnel to provide equitable services (34 CFR §300.142);
- Funds for equitable participation remaining in control of public agency (34 CFR §300.144(a));
- The definition of child with a disability (34 CFR §300.8);

We agree that timely and meaningful consultation occurred concerning the opportunity for equitable participation in programs assisted or carried out under *IDEA*.

 Authorized LEA Signature

 Date

 Private School Representative Signature

 Date

 School District Name

 Name of Private School Agency or School

The LEA must maintain a copy of this form in its records and provide a copy to the South Dakota Department of Education.

VERIFICATION OF PRIVATE SCHOOL PARTICIPATION

(Make copies for each private school eligible to participate)

Name of Public School District: _____

Name of Private School: _____

School Address: _____

City: _____, South Dakota Zip: _____

The Private School requests to participate in the applicable federal program(s) checked below:

<u>PROGRAM</u>	Enter Estimated Amount of Equitable Share	Participation Status - Please check Yes, No, or Not Applicable (NA)		
		YES	NO	NA
IDEA Part B 611, Grants to States	_____	_____	_____	_____
IDEA Part B 619, Preschool	_____	_____	_____	_____

The Private School is aware that:

- The Individuals with Disabilities Education Act, 2004 (PL 108-446), requires that public school districts shall offer private schools with a genuine opportunity for equitable participation.
- The special needs of the private school may be different from the public school, and therefore, the program provided may be different.
- The control of program funds and the title to any equipment and materials purchased with those funds must remain with the public school district. No funds can be paid directly to the private school.
- If the private school participates it will keep such records and make such reports as may be required for program audits.
- Any educational services provided shall be secular, neutral and nonideological.

Signature of Authorized **Private** School Official:

Title

Date

Phone Number

The LEA must maintain a copy of this form in its records and provide a copy to the South Dakota Department of Education.