



## ALEDO ISD OPERATING PROCEDURES

### **Participation in Special Education and Related Services by Children with Disabilities Enrolled by Their Parents in Private School**

#### **Children with Disabilities Enrolled by Their Parents in a Private Elementary or Secondary School Located Within the District**

The District must ensure that children with disabilities enrolled by their parents in a private elementary or secondary school located within the boundaries of the District understand their eligibility to participate in special education and related services to the extent consistent with the number and location of these children and based upon the proportionate share of the Individuals with Disabilities Act (IDEA)-B funds available. The District will provide for equitable participation in District special education services for children with disabilities 5 years of age and older, enrolled by their parents in a private elementary or secondary school located in the District, regardless of where the child resides. Children enrolled by their parents in a private elementary or secondary school within the boundaries of the District are eligible to be considered for participation in the District's special education services as described in these Operating Procedures if they have a current evaluation by a public school district or a public school district has accepted a private evaluation, and they have been found by an ARD Committee to need special education and related services because of a disability covered by IDEA. These disabilities include autism, a hearing impairment including deafness, deaf-blindness, emotional disturbance, specific learning disability, other health impairment, multiple disabilities, intellectual disability, orthopedic impairment, speech or language impairment, traumatic brain injury, visual impairment including blindness, and noncategorical early childhood impairment (3–5 years old). The parent has chosen to voluntarily enroll the child in a private elementary or secondary school located within the boundaries of the District. The term *private elementary or secondary school* includes a religious school and a home school. The District has no responsibility to pay for or reimburse the cost of private school for a nonresident student or for a resident student if a free and appropriate public education (FAPE) is available.

As used in these Operating Procedures, the term *elementary school or secondary school* means a nonprofit institutional day or residential school that provides elementary education or secondary education but not beyond grade 12. A private school is a school that is not formed or does not exist under the laws of Texas. In cases where there is a question whether an entity in which a child is enrolled is a private elementary or secondary school, the District will consider various factors in deciding whether the entity is a private school. The term includes home schools and religious schools. Other information to be considered includes whether the entity has the following:

- an adopted curriculum, including scope and sequence;

- formal review and documentation of student progress and performance gains;
- teaching strategies and methods; and
- targeted instruction based on identified student needs.

If a parent chooses to homeschool the student, the home school is considered to be a type of private school if the home school has a written curriculum obtained from any source, including a computer-based curriculum, which includes reading, writing, mathematics, and the study of good citizenship. The home-school student must make a good faith effort to follow and actually study the curriculum.

These Operating Procedures use the term *eligible private school children* to refer to children with disabilities covered by IDEA who are enrolled by their parents in a private elementary or secondary school within the boundaries of the District regardless of whether the student is also a resident of the District. Children with IDEA disabilities who are homeschooled are included in the term *eligible private school children*. The term *private school* is used in these Operating Procedures to refer to a private elementary or secondary school or facility, including a religious school and a home school.

Reg. § 300.111(b); § 300.130; § 300.132(a); § 300.13; § 300.36; 19 TAC § 89.1040; TEA Q&A, November 2011.<sup>1</sup>

**Participation in District Special Education Services**

The District will use a portion of the federal funds it receives each year under IDEA for participation in the District’s special education and related services by eligible private school children. The amount of funds to be spent each year is a portion of the total amount of federal IDEA funds that reflects the number of eligible private school students attending a private elementary or secondary school within the boundaries of the District as compared to the total number of children with disabilities eligible for special education services within the District's jurisdiction.

If a child with a disability is 5 years of age or older or is eligible to attend a public school kindergarten program at the beginning of the school year, and the parent chooses to voluntarily enroll the child in a private school located in the District, the child has no 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. The child will be considered for participation in the District’s special education services along with all eligible private school children. If an eligible private school child is designated to participate in special education services, he or she has no right to the same type or amount of services the child would have received if the child had enrolled in a public school.

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<sup>1</sup> TEA Q&A refers to “Guidance on Parentally-Placed Private School Children with Disabilities” (Texas Education Agency, November 2011).

Dual enrollment services will be offered to 3- and 4-year-old eligible private school children who are residents of the District. Beginning with the third birthday and continuing through the school year in which he or she turns 5, or until the child is eligible to attend the District's public school kindergarten program at the beginning of the school year, whichever comes first, an eligible 3- or 4-year-old private school child who is a resident of the District may be enrolled in a private elementary school and still enroll part time in the District and participate in the special education services in the child's individualized education program (IEP). Eligible 3- and 4-year-old students are counted as public school students in making proportionate share calculations. Amounts spent to provide dual-enrollment services to eligible 3- and 4-year-old students will not be considered in determining whether the District has met its proportionate share expenditure requirement. The parent does not have to accept dual-enrollment services and may choose to have the child educated only in private school, and the child will be eligible to be considered to participate in special education services funded by the proportionate share amount.

Reg. § 300.132; § 300.133; § 300.137; 19 TAC § 89.1096; USDOE Q&A, April 2011.<sup>2</sup>

**Consultation with  
Representatives of  
Eligible Private  
School Children**

During the design and development of special education and related services for eligible private school children, the District will consult with private school representatives and representatives of parents of eligible private school children. Consultation will take place on the following:

1. Child Find—The District will consult regarding the process for Child Find and how children placed by their parents in a private school located in the District who are suspected of having a disability can participate equitably; and how parents, teachers, and private school officials will be informed of the process;
2. Proportionate Share of Funds—The District will consult regarding the proportionate share of federal funds available to provide services to eligible private school students and how the proportionate share was calculated;
3. Consultation Process—The District will consult regarding the consultation process among the District, representatives of private schools, and representatives of parents of eligible private school students, including how the consultation process will operate throughout the school year to ensure that eligible private school students can meaningfully participate in special education and related services;

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<sup>2</sup> USDOE Q&A refers to "Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools" (United States Department of Education, April 2011).

4. Provision of Special Education Services—The District will consult regarding how, where, and by whom special education and related services will be provided to eligible private school students. The consultation will include the types of services, including direct services and alternative mechanisms for the delivery of services; how services will be apportioned if the proportionate share of federal funds is insufficient to serve all eligible private school students; and how and when those decisions will be made.
5. Written Explanation of Services—In consultation, the District will advise private school officials that if the District disagrees with their views regarding the provision of services or the types of services (whether provided directly or through a contract), the District will provide a written explanation of the reasons why the District chose not to provide the services directly or through a contract.

Consultation with private school representatives and representatives of parents of eligible private school students will be timely and meaningful. The District will give full consideration to the views of private school officials and representatives of parents of eligible private school students about how best to use the available federal IDEA funds to address the needs of these children as a group. After consultation, the District will conduct a thorough and complete Child Find process to determine the number of children with disabilities placed by their parents in private schools located in the District. Consultation will take place prior to the designation of eligible private school students to participate in the District's special education and related services.

The information obtained through consultation will be used by the District to determine, in light of the proportionate share of federal IDEA funds available for the upcoming school year, which eligible private school children will participate in special education services; what services will be provided; and how, where, and by whom the services will be provided. For those eligible private school children designated to participate in the District's special education services, a meeting will be held to develop an individual services plan. The District will consult with representatives of eligible private school children on these issues as often as is necessary based on the current circumstances of the District. When the proportionate share funds are depleted, parents and private schools will be notified and all services will cease.

Consultation with representatives of eligible private school children may be by any of the methods below:

- The District may schedule individual meetings with private school officials and the representatives of parents of eligible private school children.

- The District may hold one or more group meetings with private school representatives and representatives of parents of eligible private school children.
- The District may send written correspondence to all private schools known to the District to be within its boundaries. Written correspondence may be sent to parents known to the District to homeschool their children. Written correspondence may be sent to parents of eligible private school students.
- The District may use any other method appropriate for consultation.

The District will obtain written affirmation from private school officials of their participation in timely and meaningful consultation as noted above. The affirmation will be maintained by the District and transmitted to the Texas Education Agency (TEA) as requested or required. If the private school official does not provide written affirmation within a reasonable time, the District will forward documentation of the consultation process to TEA.

A private school official may submit a complaint to TEA that the District:

1. Did not engage in consultation that was meaningful and timely; or
2. Did not give due consideration to the views of the private school official.

The private school official must provide the basis for the claim of noncompliance by the District with a requirement regarding eligible private school students. The District will forward to TEA documentation regarding the complaint and showing compliance.

TEA will make a decision regarding the complaint. If the private school official is dissatisfied with the decision, the complaint may be submitted to the Secretary of the United States Department of Education. TEA will forward appropriate documentation to the Secretary.

Regs. § 300.134; § 300.135; § 300.136.

### **Child Find**

The District will engage in ongoing activities to locate, identify, and evaluate all children attending a private elementary or secondary school within the boundaries of the District who are suspected of having one or more of the disabilities covered by IDEA and who, because of the disability, need special education and related services.

The District will conduct Child Find activities for all children, both resident and nonresident, attending a private elementary or secondary school within the boundaries of the District. Child Find will be conducted in a manner that is similar to Child Find activities for children attending District schools.

The Child Find process will be implemented to ensure equitable participation of eligible private school children and an accurate count of those children. The Child Find process will be completed in a time period comparable to that for students attending the District's schools.

If a child attending a private elementary or secondary school located in the District is identified as a child who may have a disability and be in need of special education and related services, the District will perform a full and individual evaluation to determine the child's eligibility for special education if the child is 5 years of age or older or the child is 3 or 4 years old and is a resident of the District. All requirements regarding initial evaluations, including notice of procedural safeguards, parental consent, the evaluation, the report of the evaluation, and eligibility, apply. However, if a parent refuses to consent to an initial evaluation or fails to respond to a request to provide consent, the District may not use the due process hearing procedures or mediation to attempt to override the lack of consent. The District will not consider the child as eligible for services.

A child attending a private elementary or secondary school in the District may also be referred to the District for a full and individual initial evaluation. The referral may be made by the parent, private school personnel, or another person involved in the education or care of the student. If a determination is made that a full and individual initial evaluation will not be performed, the parent will be given notice of all rights under IDEA. If a determination is made that a full and individual initial evaluation will be performed, the District must comply with all requirements and timelines applicable to the full and individual initial evaluation of a public school student.

The full and individual initial evaluation will be considered by the Admission, Review, and Dismissal (ARD) Committee. If the private school child is a resident of the District, is 3 years of age or older or eligible to attend the District's kindergarten program, has a disability covered by IDEA and, because of the disability, needs special education and related services, the ARD Committee will develop an IEP that provides FAPE to the child if the parent indicates the child will be enrolled full time in the District. If the parent makes clear his or her intention to enroll the child in a private school and that the parent is not interested in a public school program or placement, then the ARD Committee does not have to develop an IEP. The parent will be informed of the child's status as an eligible private school child who will be among the group considered for participation in the District's special education services in the current school year or future school years. If the parent subsequently notifies the District that he or she seeks to enroll the child in the District full time, the District will hold an ARD Committee meeting to develop an IEP that provides FAPE.

If the private school child is 3 or 4 years old, a resident of the District, has a disability covered by IDEA and, because of the disability, needs special education and related services, the child is eligible for dual-enrollment services. The ARD Committee must develop an IEP that provides FAPE to the student. The parent may choose to enroll the child full time in the District, dually enroll the child in the District and in a private elementary school, or participate in the proportionate share. If the parent declines dual-enrollment services, the child will not be eligible to participate in proportionate share services.

If the private school child is not a resident of the District, then the ARD Committee will determine eligibility. If the child is eligible for special education and related services, the child will be considered among the group of students eligible for equitable participation in the District's special education services. The District has no duty to create an IEP or offer the student a free and appropriate public education. The District must obtain written consent from the parent before sharing evaluation data or other personally identifiable information with the student's district of residence.

The District will notify the parent of an eligible private school child prior to the applicable 3-year reevaluation date of the child's right to be reevaluated and seek the parent's attendance at an ARD Committee meeting to determine the scope of the reevaluation and seek the parent's written consent for reevaluation. If the parent consents in writing to the reevaluation, all requirements concerning reevaluations applicable to public school children with disabilities will apply to eligible private school children. If the parent refuses to give written consent for a reevaluation or fails to respond to a request to provide consent, the District may not use the due process procedures or mediation to override the refusal to consent to the reevaluation. The District will not consider the child as eligible for services. If additional reevaluations are requested by the child's parent or teacher, an ARD Committee meeting will be held to consider the request.

If the parent of an eligible private school child disagrees with an evaluation performed by the District, the parent may request an independent educational evaluation (IEE) at District expense. All requirements concerning IEEs of public school children will apply.

All costs associated with Child Find activities, including costs of individual evaluations, are not deductible from the proportionate share to be spent on participation by eligible private school children in District special education services. These costs include the costs of locating, identifying, performing initial evaluations and reevaluations, and holding ARD Committee meetings to consider evaluations, IEEs, and reevaluations of eligible private school children.

The District will maintain records to show the following information regarding children placed by their parents in private elementary or

secondary schools located in the District:

1. The number of children evaluated;
2. The number of children determined to be children with disabilities; and
3. The number of children served.

This information will be provided to TEA according to its requirements.

Reg. § 300.131; § 300.300(d)(4); § 300.300-.311; § 300.502; § 300.504; § 300.622(b)(3); 19 TAC § 89.1096; § 89.1040; § 89.1050.

**Determination of Proportionate Share Amount**

An annual count will be conducted in October through the Public Education Information Management System (PEIMS) to determine the proportionate share formula that will be used to calculate the proportionate share amount that will be used for participation of eligible private school children in the District's special education services in the subsequent fiscal year.

The District will determine an amount that is the same proportion of the District's total funds under IDEA-B as the number of eligible private school children attending a private school in the District is to the total number of eligible public and private school children within the District's jurisdiction.

So long as dual-enrollment services are available to 3- and 4-year-old eligible private school students, this group of children will be counted among the number of all eligible public and private school children within the jurisdiction of the District without regard to whether dual-enrollment services have been accepted by the parent. Amounts spent to provide services to dually enrolled 3- and 4-year-old children will not be considered in determining whether the District has met its proportionate share expenditure requirements.

To determine IDEA-B funds to be used in a subsequent fiscal year, the District will count students on the October count date as follows:

Eligible private school students attending private school in the District
• Eligible private school students age 5–21 with a services plan
• Eligible private school students age 5–21 with no services plan
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Total eligible public and private school students in the jurisdiction of the District
• Eligible public school students age 3–21
• Eligible 3- and 4-year-old private school students receiving dual-enrollment services
• Eligible 5–21-year-old private school students with a services plan
• Eligible private school students age 3–21 with no services plan (includes -3 and 4-year-olds declining dual enrollment)

The District will determine an amount that is the same proportion of the District's total funds under IDEA-B Preschool as the number of eligible

private school children age 3–5 attending private school in the District is to the total number of children with disabilities age 3–5 in the jurisdiction of the District.

To determine IDEA-B Preschool funds to be used in a subsequent fiscal year, the District will count students on the October count date as follows:

Eligible private school students attending private school in the District

- Eligible private school students 5 years old with a services plan
  - Eligible private school students 5 years old with no services plan
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All eligible public and private school students in the jurisdiction of the District

- Eligible public school students age 3–5
- Eligible 3- and 4-year-old private school students receiving dual-enrollment services
- Eligible 3–5-year-old private school students with no services plan or who declined dual enrollment
- Eligible private school students 5 years old under a services plan

Reg. § 300.133; TEA Q&A November 2011.

**Designation of  
Eligible Private  
School Children  
Participants**

In light of the proportionate share of IDEA funds available for use in a school year, and the number, needs, and location of eligible private school students, the District will consider the information obtained through consultation with representatives of eligible private school students regarding which children should receive services; what services should be provided; and how, where, and by whom the services should be provided. The District will designate which eligible private school students will participate in the District’s special education services. No eligible private school child has an individual right to be designated to receive or, if designated, receive some or all of the special education and related services the child would receive if enrolled in a public school. Eligible private school children designated to participate in the District’s special education services may receive less services than children with disabilities enrolled in a public school. After timely and meaningful consultation, the District makes the final decision about which eligible private school students will participate and the nature of the services.

If an eligible private school student moves into the District after the services plans have been determined for that year, the student has no right to participate. The student may be considered for participation if additional proportionate share funds become available. The student will be considered among the group of eligible private school students considered for participation in the next school year if the student still fits the criteria of an eligible private school student.

The District will not use any of the proportionate amount of IDEA funds to finance the existing level of instruction or to otherwise benefit a private school. The proportionate share will not be used to meet the needs of the private school or the general needs of the students enrolled in the private school. The proportionate share will only be used to meet the special

education and related services needs of eligible private school students designated to participate in a particular school year.

Reg. § 300.137; § 300.141.

### **Development of Services Plan**

After consultation, the District will designate eligible private school students to participate in the District's special education services in a specific school year. An individual services plan for the student will be in effect prior to the beginning of the school year and/or prior to the provision of any special education and related services to the student. The services plan will be implemented as soon as possible after the services plan meeting. The services plan will be available to any District staff and/or private school staff or other persons who implement any portion of it, and they will be advised of their specific responsibilities in implementing the services plan.

The services plan will be reviewed periodically by the services plan team, but not less than annually. The services plan team will meet to review the services plan and revise it, if appropriate, to address lack of expected progress; a change in the services plan; lack of progress in the general curriculum of the private school, if appropriate; the results of any reevaluation; information provided to or by the parents; the child's anticipated needs; or any other matters which call for review of the services plan. An eligible private school student with a services plan in one school year has no right to a services plan in a subsequent school year. The District will determine the eligible private school students who will participate each year.

Reg. § 300.134(d); § 300.137; § 300.138; § 300.323(a)–(d); § 300.324(a)–(c).

### **Services Plan Team**

If an eligible private school student is designated to participate in the District's special education services in a specific school year, the District will develop an individual services plan that describes the special education and related services that will be provided to the child in light of the services the District has determined, after consultation, that it will make available to eligible private school students. The final decision with respect to which eligible private school children will participate, the nature of the services, their frequency and location, and how they will be evaluated will be made by the District.

A services plan will be developed initially and periodically reviewed and revised according to the requirements for holding ARD Committee meetings and developing IEPs or individual family service plans (IFSP) for 5-year-old students, to the extent those requirements are appropriate and relevant to the individual services plan. The services plan team includes the same participants as would be included in an ARD Committee for the child. The team will consist of the parents; a representative of the private school; not less than one regular education teacher of the child if the child is or may be

participating in a regular education environment; not less than one special education teacher or special education provider of the child; a representative of the District who is qualified to provide or supervise the provision of special education and is knowledgeable about the general curriculum and the availability of resources in the District; a person who can interpret the instructional implications of evaluation results; the child, if appropriate; and at the discretion of the parent or the District, any other individuals who have knowledge or special expertise regarding the child, including related services personnel if appropriate.

The regular education teacher of the child may be an employee of the private school. The District will ensure that a representative of the private school attends the services plan meeting. If the representative is unable to attend, the District will ensure participation of the representative by other methods, such as individual or conference telephone calls. The private school may designate its teacher as its representative.

If the eligible private school child designated to participate in the District's special education services is homeschooled, the parent may also fill the role of the regular education teacher of the child and the private school representative. The role of special education teacher of the child will be filled by a District special education staff person.

If the services plan will include transition services, the eligible private school student will be invited to attend. If the student does not attend, the District will take other steps to ensure the student's preferences and interests are considered. With the parent's consent, representatives of any outside agencies likely to be responsible for providing or paying for transition services in a services plan will be invited.

Parents will be notified of a services plan meeting early enough to ensure they will have an opportunity to attend and participate. Notice should be received 5 school days before the meeting, or 5 business days before the meeting if the meeting is in the summer. The District will attempt to schedule the meeting at a mutually convenient time and place. The parents will be provided notice of the purpose of the services plan meeting, the time and location of the meeting, who will be in attendance, and the parents' and the District's right to invite other individuals with knowledge or special expertise about the child. If the services plan meeting will include a discussion of transition services, the notice will include this information and that the student will be invited to attend as well as any relevant outside agencies to whose presence the parent consents. If the parent cannot attend, the District will provide other methods for parent input such as video conference calls, individual or conference telephone calls, or written input.

If the parent is deaf or does not understand English, an interpreter will be included in the services plan meeting.

The parent will receive a copy of the individual services plan developed at the meeting.

The services plan meeting can be held without the parent if the parent does not attend after documented efforts to secure the parent's presence through telephone calls made or attempted, correspondence sent to the parents, and/or visits to the home or place of employment and the results of those visits.

Reg. § 300.137; § 300.138; § 300.320(a)(1)-(a)(5),(7); § 300.320(b); § 300.321; § 300.322; § 300.323(a)-(d); § 300.324(a)-(c); 19 TAC § 89.1050; 19 TAC § 89.1055.

**Contents of an Individual Services Plan**

An individual services plan may provide for direct services to the eligible private school student or for alternate service delivery mechanisms. Goals will be included in the services plan regardless of whether services to the student are direct or indirect. The content of a services plan will vary from student to student. These components will be included only when they are appropriate and relevant to the services to be provided to the eligible private school student. A services plan may contain one or more of the following components:

- The identified disability;
- Present levels of academic achievement and functional performance;
- Results of the initial or most recent evaluation of the child;
- Results of the child's performance on any general statewide assessment or standardized group assessment;
- The parent's concerns for enhancing the child's education;
- The child's strengths;
- How the disability affects the child's involvement and progress in the curriculum offered by the private school to nondisabled students, if any;
- For preschool children, how the disability affects the child's participation in appropriate activities;
- A statement of measurable goals;
- A statement of the special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable to be provided to the child or on behalf of the child;
- A statement of the program modifications or supports for District staff or private school staff provided for the child to be involved and progress in the curriculum the private school provides to nondisabled students, if any, as well as extracurricular and nonacademic activities of the private school, to advance toward attaining the goals in the services plan and be educated and participate with nondisabled students, if any, at the private school;
- An explanation of the extent to which the child does not participate in the curriculum, if any, offered by the private school to

- nondisabled students, if any;
- The date the services plan will begin and the frequency, location, and duration of the services;
- A statement of how the child's progress on the services plan will be measured, how the child's parents will regularly be informed as often as the parents of nondisabled students are informed of the progress, and the extent to which it is sufficient to enable the child to achieve the goals in the services plan by the end of the period of services;
- A statement of transition service needs and a statement of measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills in the services plan when the student is 14 years old; and
- If a student is 17 years of age, a statement in the individual services plan that he or she has been advised that upon the student's 18th birthday the rights of his or her parents under IDEA will transfer to the child.

The services plan team may need to consider special factors in certain cases. These factors will be considered only when they are appropriate and relevant to the services to be provided to the eligible private school student.

- If the behavior of the eligible private school student impedes his or her learning or that of others, consider whether behavior interventions, strategies, and supports should be included in the services plan;
- If a child has limited English proficiency, consider the language needs of the child as they relate to the services plan;
- If the child is blind or visually impaired, consider whether instruction in Braille and the use of Braille should be part of the services plan unless an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media indicate that instruction in Braille and the use of Braille is not appropriate;
- If the child has communication needs, or the child is deaf or hard of hearing, consider language and communication needs regarding communication with peers and professional personnel, modes of language and communication, academic level, and opportunity for direct instruction in the child's language or communication mode;
- Consider whether assistive technology devices or services should be included in the services plan.

The services plan will specify the location of the services. The services may be provided on-site at the child's private school, including a home school or a religious school, so long as the services are consistent with the Establishment Clause of the First Amendment of the US Constitution and the Texas Constitution. Consideration will be given to not disrupting the child's educational day; however, there is no requirement that the services

plan be implemented at the private school. The District will determine the location.

If necessary for the child to benefit from or participate in the services in the individual services plan, the District must provide the child transportation from the home or private school to the site of the service and from the site of the service to the home or private school, depending on the time of day the service is provided. The District will not transport the child from the home to the private school. The cost of this transportation will be included in calculating whether the District has met the obligation to provide special education services with a proportionate share of federal IDEA funds.

Reg. § 300.137(c); § 300.138; § 300.139; § 300.320; § 300.324; USDOE Q&A, November 2011.

**Personnel Requirements**

Services provided to eligible private school students designated to participate in the District's special education services will be provided by personnel who meet the same standards as personnel providing the service in the public school except that if private elementary or secondary school teachers provide equitable services to eligible private school children, they do not have to meet the requirements for highly qualified special education teachers under IDEA.

Services may be provided by District staff at a District facility. District staff may provide services at the private school, including a religious school, a home school, or some other site, to the extent necessary to provide the services in a services plan and if those services are not normally provided by the private school.

If services are not provided by District staff, they will be provided through a contract with an individual, association, agency, organization, or other entity. The District may pay an employee of the private school to provide the services if the private school employee performs the services outside of his or her regular duty hours and the District exercises supervision and control of the private school employee while the services are performed.

Reg. § 300.138; § 300.139; § 300.142; § 300.18(h).

**District Property**

The District will control and administer all funds used to provide services to eligible private school children. The District will hold title to and administer materials, equipment, and property purchased with those funds to provide services to eligible private school children.

The District may use District equipment and supplies to provide the services in a services plan. The equipment and supplies may be placed in a private school or facility or home school. At all times, the equipment and supplies remain the property of the District and remain under District control. Equipment and supplies may be placed in a private school or facility or

home school only for the period of time needed to provide the services in a services plan. The equipment and supplies may only be used to provide the services in a services plan. They must be located in the private school or home school in such a way that they can be removed immediately by the District without need for remodeling the private school or facility or home school.

All materials, equipment, and supplies used to provide services to eligible private school children will be secular, neutral, and nonideological. The equipment and supplies will be removed immediately from the private school or facility or home school once they are no longer needed to provide the services in a services plan. Equipment and supplies will be removed immediately if they are being used for anything other than the provision of services in a services plan. No proportionate share money will be used for repairs, remodeling, or construction of private school facilities.

Reg. § 300.144; § 300.138(c)(2); USDOE Q&A, November 2011.

**Proportionate Share Accounting**

The District will account for funds spent toward the proportionate share in a separate financial accounting system. An audit trail of the proportionate share expended will be maintained for monitoring and documentation. The District will maintain separate financial accountability for both IDEA-B and IDEA-B Preschool proportionate share amounts.

By the end of the year, if the District does not spend all funds in the proportionate share amount on services for eligible private school children, the District will carry over the funds for one additional year to provide services for eligible private school children. Any state or local funds used to provide special education and related services to eligible private school children may supplement but not supplant IDEA proportionate share funds.

Reg. § 300.133(a)(d); TEA Q&A, November 2011.

**Procedural Protections**

If a parent of an eligible private school student has a complaint about a services plan developed for his or her eligible private school student, or if the parent has a complaint that his or her eligible private school child was not designated to participate in the District's special education services in a particular school year, the parent may file a complaint with TEA. The parent of a 3- or 4-year-old student participating in dual-enrollment special education services may file a complaint about the implementation of the parts of the student's IEP selected for dual enrollment with TEA. The parent may not request a special education due process hearing to complain about a services plan or implementation of dual-enrollment services.

Reg. § 300.140(a)(c); 19 TAC § 89.1096(e).

If a parent of a child with a disability attending a private elementary or secondary school located in the District alleges the District has failed to

identify a child as a child with a disability, refused to evaluate the child, performed an inappropriate evaluation, or does not have FAPE available for the child, the parent may file a complaint with TEA. The parent may also request a special education due process hearing or mediation from TEA.

Reg. § 300.140(b).

A complaint by a private school official that the District has not engaged in timely and meaningful consultation or that the District has not given due consideration to the views of the private school official will be filed with TEA in accordance with its procedures.

Reg. § 300.140(c)(2).