

Affirmation of Meaningful Non-Public School Consultation IDEA Programs for School Year

The Individuals with Disabilities Education Act (IDEA) requires that local educational agencies (LEAs) provide parentally placed non-public school children with disabilities an opportunity for equitable participation in programs assisted or carried out under IDEA. The foundation of this is the timely and meaningful consultation between the LEA and the non-public school officials. Timely and meaningful consultation should occur prior to any decision that affects the services and opportunities of eligible parentally-placed non-public children. Further, the consultation process shall continue throughout the implementation and assessment of activities. The major provisions regarding children with disabilities enrolled by their parents in non-public, including religious, elementary and secondary schools are located in the statute at 20 U.S.C.A. § 1412(a)(10), in the regulations at 34 CFR §§ 300.130-300.144, and are summarized in the sections below. This Affirmation of Meaningful Non-Public School Consultation form must be completed and signed by the LEA and non-public official(s) and kept for the records of the LEA and non-public school.

In accordance with IDEA, LEAs and non-public officials are responsible for the following when providing equitable services for parentally placed children in non-public schools:

- Child find activities and provision of equitable services (34 CFR §§ 300.131–300.132);
- Consultation (34 CFR § 300.134);
- Written affirmation of timely and meaningful consultation (34 CFR § 300.135);
- Record keeping (34 CFR § 300.132(c));
- 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 non-public 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 non-public school students to special education and related services (34 CFR § 300.137(a)); and
- Complaint procedures for non-public school officials regarding consultation (34 CFR § 300.136).

At a minimum, the ongoing consultation process must discuss the topics below for applicable IDEA programs.

The following topics were discussed during consultation:	Yes	No	N/A
Child Find: How parentally-placed non-public school children suspected of having a disability can participate equitably, including how parents, teachers, and non-public school officials will be informed of the process; restrictions on sharing information; parent election of equitable services or FAPE.			
Proportionate Share Calculation: \$ _____ How the proportionate share of IDEA Part B and IDEA Preschool federal funds is calculated including the amount of the proportionate share funds available for the ensuing school year; and any carry-over funds.			
Consultation Process: How the consultation process will operate throughout the school year to ensure that eligible children (ages 3-21) with disabilities parentally-placed in non-public schools identified through the Child Find process can meaningfully participate in special education and related services; and how the October 1 child count will be collected.			

The following topics were discussed during consultation:	Yes	No	N/A
Special Education and Related Services: How, where, and by whom special education and related services will be provided for children (ages 3-21) with disabilities parentally-placed, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such equitable services will be apportioned if funds are insufficient or overly sufficient to serve all children, and how and when these decisions will be made; (resident children-FAPE, non-resident children equitable services).			
Supplement not Supplant: How there is a requirement that state and local funds supplement, not supplant, the proportionate share of federal funds.			
Disagreement: How, if the LEA disagrees with the views of the non-public school officials on the provision of services or the types of services, whether provided directly or through a contract, the public school district shall provide to the non-public school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.			
Complaint Process: How, if the non-public school disagrees with the LEA on the provision of services, a non-public school official has the right to file a written complaint with the state education department ombudsman asserting that a school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the non-public school.			

For each topic discussed above, the non-public school or agency official affirms for the school year:	Yes	No
That timely and meaningful consultation has occurred.		
The program design is equitable for eligible parentally-placed non-public school children.		

Name of Local Educational Agency

Name of Non-Public School or Agency

Local Educational Agency Official

Date

Non-Public School Representative

Date