

ARKANSAS DEPARTMENT OF EDUCATION
Affirmation of Consultation with Private Schools Information Sheet

OSEP requires that timely, meaningful, and ongoing consultation occur with private schools (including homeschools) within the LEA's boundaries and shall continue throughout the implementation and assessment of activities. The consultation must be between the local education agency (LEA), private school officials, and representatives of parents of parentally-placed private school children. Consultation must occur prior to any decision being made regarding the equitable participation of eligible private school children with disabilities in Federally-funded special education and related services.

The written affirmation is a tool that guides the ongoing consultation process. The goal of the ongoing consultation process is agreement between the LEA and private schools. LEA officials must take into consideration the private school officials' views for how to serve students and the design of the program. A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation.

If an LEA disagrees with the views of private school officials with respect to any topic subject to consultation, the LEA must provide in writing to such private school officials the reasons why the LEA disagrees. The final decision rests with the LEA.

Discuss the following topics during the initial and ongoing consultation process:

- ✓ The child find process and 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 share of Federal funds available to serve parentally-placed private school children with disabilities,
 - including the determination of how the proportionate share of those funds was calculated;
- ✓ How the consultation process among representatives of the agency, the private schools, and the parents of parentally-placed private school children will take place, including:
 - how the process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- ✓ How, where, and by whom special education and related services will be provided, including
 - a discussion of types of services, including direct services and alternate service-delivery mechanisms,
 - as well as how the services will be apportioned if funds are insufficient to serve all children; and
 - how and when decisions regarding services will be made; and
- ✓ ▪ How, if LEA representatives disagree with the views of the private school officials on the provision of services or the types of services whether provided directly or through a contract, the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to adopt the recommendations of the private school officials. See 34 C.F.R. § 300.134(a)–(e).

Arkansas Department of Education

Program Description

IDEA: Special Education Services

The Individuals with Disabilities Education Act (IDEA) requires that an LEA spend a proportionate amount of its IDEA Part B funds to provide equitable services to this group of children, which could include direct and/or indirect services.

Eligible private school students must attend a private school within the public school's attendance area.