

# **Private School Participation Project (PSPP)**

**Hawaii Department of Education**



**2011  
Update**

## PROJECT DESCRIPTION

The PSPP is available to students who have been identified with a disability under the IDEA and have been voluntarily enrolled by their parents in a private school. Described below are the PSPP priorities and services available to eligible students in preschool through grade 10 and for private school personnel supporting PSPP students.

Students must demonstrate a need (documented in the Services Plan) in a specific area in order to qualify for PSPP services in a specific area.

Type of Service	Priority Area	Amount of Service
Tutoring	Reading	Maximum amount of services is one hour per week per type of service; e.g. one hour/week of tutoring in reading and 30 min/week of individual speech therapy.
	Writing	
	Math	
Individual therapy	Speech-language	
	Counseling to address school behavior	
Teacher Consultation	Reading, Writing, Math	
	Speech-language	
	School behavior	
Training & Professional Development	Any area	Based on availability
Transportation		If necessary for the child to benefit from or participate in PSPP services.

District Educational Specialists (DES) and private schools will be notified about any training or professional development made available by the Office of Curriculum, Instruction and Student Support, Special Education Section.

## SCHOOL LEVEL PROCEDURES

### I. STUDENT ELIGIBILITY

- a. A request for evaluation for special education for a student enrolled in a private school must be processed in the same manner as an evaluation for a student enrolled in the public school, and at no cost to the parent.
  - ✓ All procedural safeguards and timelines under IDEA and Chapter 60 apply.
  - ✓ Information must be obtained from a variety of sources, **including** the private school.
  - ✓ Determination of eligibility rests on evidence that the student:
    1. Meets the eligibility criteria for a disability under Chapter 60;
    2. The disability adversely affects educational performance; and,
    3. The student is in need of special education (specially designed instruction) and related services.
- b. A student previously identified as a student with a disability and voluntarily enrolled in a private school by his/her parent continues to be eligible up to three (3) years after the most recent evaluation and eligibility determination. (See section IV.b.)
- c. The student must be at least three (3) years old and under the age of twenty (20) on the first instructional day of the school year and has not earned a high school diploma.
- d. The student and parent/guardian must reside in Hawaii.
- e. The student must attend a private elementary or secondary school. Private preschools must be part of an elementary school, not a stand-alone preschool. (Students who are home-schooled are NOT eligible for PSPP services.)

### II. NOTIFICATION

- a. \*Parents of students with disabilities voluntarily enrolled in private schools must be notified about the PSPP upon eligibility determination and annually thereafter as long as the student continues to be eligible.
- b. Annually, the last school of record for the student must send three (3) documents to parents:
  - ✓ Offer of Free Appropriate Public Education and/or re-evaluation (FAPE letter)
  - ✓ Procedural Safeguards Notice
  - ✓ Description of the PSPP for the current school year

\*Throughout this PSPP document “parents” refers to parents of students with disabilities voluntarily enrolled in private schools.

### III. PARENT RESPONSE

- a. If parents respond with interest in the PSPP:
  - ✓ A team, similar to an Individualized Education Program (IEP) team, reviews student data to determine if the student meets the priorities of the PSPP (needs area and grade level), then develops a services plan.
  - ✓ Regardless of whether the parents consent, refuse consent or revoke\* consent for services, the student continues to be eligible for PSPP services and schools must send parents the annual FAPE letter. (See below.)
  - ✓ A representative of the private school should be invited (if parent agrees) to the meeting to develop a Services Plan. If they cannot attend, the school should use other methods to ensure participation by the private school, including individual or conference telephone calls.
  - ✓ Upon completion of the Services Plan, distribute copies as follows to the:
    1. Parent
    2. Home school/Last School of Record
    3. Complex Area Special Education/Student Support Office
    4. OCISS, Special Education Section, PSPP
  - ✓ Document PSPP participation in eCSSS in the “Program” tab.
- b. If parents do not respond to the FAPE letter:
  - ✓ If less than three (3) years since the previous evaluation/eligibility, document in the “Program” tab of eCSSS “FAPE offered, no response.”
  - ✓ If it has been three (3) or more years since the last evaluation and the parent has not responded to the current FAPE letter,
    1. Change the status of the student in the “Program” tab of eCSSS to “**Not Eligible**” for special education and indicate “Reevaluation was offered and school received no response.”
    2. **DO NOT** send the FAPE letter the following year. The Department’s obligation to offer FAPE is ended.

### IV. ENTITLEMENT AND PARTICIPATION IN THE PSPP

Students with disabilities enrolled in private schools by their parents do NOT have an *individual right* to receive some or all of the special education and related services they would receive if enrolled in public schools. §300.137(a). However, they may receive some of the services as determined by the Department through the PSPP. In other words, the project is NOT an individual entitlement to FAPE. If parents want their child to receive all the services that would be provided to address FAPE, they need to enroll their child in a public school.

\*Schools should never request or suggest that parents revoke consent.

## DIRECTIONS FOR COMPLETING THE SERVICES PLAN

### Identifying Information

- Document the Services Plan development date.
- Fill in name of student, date of birth, age, and current grade level.
- Public school: Fill in the name and phone number of the school creating the Services Plan.
- Contact person: Fill in the name of the person at the school responsible for the development of the Services Plan.
- Private school: Fill in the name of the private school the student attends.
- Contact person (private school): Fill in the name and phone number of the private school person who knows the student well and is able to answer questions regarding the student's educational performance.
- Parent and phone numbers: Fill in the name of the parent (with rights to make educational decisions) and any contact numbers.

**Present Levels of Educational Performance:** Include relevant academic achievement and functional performance data from recent evaluations and information on classroom performance from the private school and parent. This section must include information on the impact of the disability in the area the parent is seeking to receive PSPP services for the student.

**Measurable Annual Goal(s):** Goals must be written in measurable terms with a reasonable outcome for the end of the PSPP services plan.

**Short Term Objectives or Benchmarks:** Objectives break down the goal into measurable components. Benchmarks are sequential/progressive steps to reach the goal.

**Type of Service:** Check any PSPP service that address need areas described in the Present Levels of Educational Performance and the Goal(s) in the Services Plan. Mileage reimbursement may be provided to the parent if transportation is necessary for the child to benefit from or participate in PSPP services. (Parents cannot be reimbursed for transporting the child from the home to the private school.)

**Location:** School personnel and parent are to determine a mutually agreed-upon location to provide service. The location may be the private school, if both parties agree.

**Frequency:** How often the student receives services (e.g., two times a week for 30 minutes).

**Duration:** Unlike IEP services, the PSPP services continue only as long as the described PSPP. If funds for the PSPP are expended before the projected end of the project, services end. Also, if the student masters his/her goals prior to the end of the project, services would end.

**Distribution:** Keep a copy on file at the school. Distribute the Services Plan as follows:

- Parent
- Complex Area Special Education/Student Support Office
- OCISS, Special Education Section

COMPLEX AREA INFORMATION  
34 CFR §§300.129 through 300.144

I. FUNDING

- a. The total amount of funds set aside for the PSPP is based on the proportion of private school students with disabilities to the total number of students with disabilities identified statewide. Allocations to the complex areas are based on the percentage of private school students in the complex area. The state must set aside PSPP funds from each federal IDEA grant: regular IDEA, IDEA Preschool, ARRA IDEA, and ARRA IDEA Preschool. The PSPP program IDs are:
  - Program ID 18609, ARRA IDEA Private School Participation
  - Program ID 38635, ARRA IDEA Preschool PVT SCH PART
  - Program ID 17933, IDEA Private School Participation
  - Program ID 17041, IDEA Preschool PRV SCH PART
- b. Schools and complex areas must identify and track the eligibility of unilaterally placed private school students in order for the Department to be in compliance with the federal regulations. The eCSSS “Declined FAPE Students” report includes those students who exit to private school under Code 10 – Private School.

**Declined FAPE Students**

This report lists IDEA eligible students whose parents have declined FAPE and who need to have FAPE re-offered annually.

NOTE: a blank exit code indicates that the student still attends this DOE/Charter school. Parents of these students CANNOT decline FAPE. The school must determine whether it is appropriate to discontinue services via a reevaluation or if a request for a hearing needs to be filed on behalf of the student.

District / Complex / School										
Student Name	Student ID	Birth Date	Grade	Most Recent IEP Date	Date Declined FAPE	FAPE Offer Due Date	Reeval Date	Special Code**	Exit Code**	Exit Date
<b>Honolulu</b>										<b>Total Honolulu Students Who Declined FAPE: 97</b>
<b>Kaleer</b>										<b>Total Kaleer Students Who Declined FAPE: 14</b>
<b>Niu Valley Middle</b>										<b>Total Niu Valley Middle Students Who Declined FAPE: 3</b>
[REDACTED]			07		11/02/2009	11/02/2010	07/22/2009	PS	010	07/31/2009
[REDACTED]			07		06/13/2003	06/13/2004	02/28/2006	060		01/15/2003
<b>Kalani</b>										<b>Total Kalani Students Who Declined FAPE: 12</b>
<b>Kahala</b>										<b>Total Kahala Students Who Declined FAPE: 4</b>
[REDACTED]			06		07/19/2002	07/19/2003	12/04/2004	PS	010	07/19/2002
[REDACTED]			06		09/26/2007	09/26/2008	01/21/2006	060		11/12/2002
[REDACTED]			93		10/21/2006	10/21/2007	03/15/2008	PS	010	10/17/2006
[REDACTED]			04		01/16/2003	01/16/2004	05/02/2005	PS	010	07/20/2002
<b>Kaimuki Middle</b>										<b>Total Kaimuki Middle Students Who Declined FAPE: 2</b>
[REDACTED]			08		10/22/2010	10/22/2011	11/18/2011	PS	010	06/27/2010
[REDACTED]			06		06/14/2010	06/14/2011	06/13/2012	PS	010	03/31/2009

Each school and complex area must review these reports at least annually to ensure that they send the annual FAPE letter (and attachments), including the offer of PSPP services and, when approved, an offer to reevaluate.

There is an important eligibility distinction between students with disabilities enrolled in public schools and those enrolled in private schools pertaining to revocation of consent.

- If the parent of a public school student revokes consent for the continued provision of special education and related services, the student is considered to be a general education student and receives no services and no protections under the IDEA.
- If the parent of a private school student revokes consent, the student is still considered eligible for purposes of the PSPP. [If the student re-enrolls in a public school at a later date, an initial evaluation must be conducted to determine eligibility for provision of a FAPE under IDEA.]

Schools must submit a copy of every Services Plan to the complex area office in order for the DES to arrange for services and to assist in keeping track of the student.

- c. PSPP funds may not be used to finance the existing level of instruction in a private school, meet the general needs of the students enrolled in the private school or to otherwise benefit the private school.
- d. Property, equipment and supplies
  - The complex area must hold title to and administer materials, equipment and property purchased with PSPP funds.
  - The complex area may place equipment and supplies in a private school for the period of time needed for the PSPP.
  - The complex area must ensure that the equipment and supplies placed in a private school –
    1. Are only used for PSPP purposes; and
    2. Can be removed from the private school without remodeling the private school facility.
    3. Are removed if necessary to avoid unauthorized use of the equipment or supplies for other than PSPP purposes.
- e. No funds under Part B of IDEA (Program IDs 17929 and 17040) may be used for repairs, minor remodeling, or construction of private school facilities.

- f. If the complex area (and state) has not expended all of the PSPP funds by the end of the fiscal year for which the funds were allocated, those funds must continue to be used for the PSPP during a carry-over period of one additional year.  
§300.133(a)(2)(ii)(3) The Special Education Section will notify the complex areas when PSPP funds may be used for other IDEA related purposes.

## V. ELIGIBLE PRIVATE SCHOOLS FOR PSPP

- a. The private school must meet the definition of elementary school or secondary school consistent with 34 CFR 300.13 and 300.36, i.e. elementary school means a nonprofit institutional day or residential school, including a public charter school, that provides elementary education, as determined under state law.
- b. Preschools that are not part of an elementary school do not qualify as private schools for PSPP purposes.
- c. A private school may include a religious school. There is no prohibition to providing PSPP services at a religious school. (U.S. Supreme Court ruling in *Zobrest v. Catalina Foothills Sch. Dist.*)
  - i. The services must advance a secular purpose;
  - ii. Services must neither advance nor inhibit religion; and
  - iii. The method of providing services must not result in “excessive entanglement” of publicly funded services in the religious mission of the private school.
- d. For-profit private schools are not eligible.

## VI. SERVICES PLAN

- a. Services Plans must, to the extent appropriate, be developed consistent with 34 CFR §§300.321 through 300.324.
  - i. §300.321 IEP Team
  - ii. §300.322 Parent participation
  - iii. §300.323 When IEPs must be in effect
    - 1. At the beginning of every school year
    - 2. A meeting to develop the IEP (Services Plan) within 30 days of the eligibility determination
    - 3. IEPs (Services Plans) for children who transfer
  - iv. §300.324 Development, review and revision of IEP (Services Plan)
- b. The location of PSPP services may be on the premises of private, including religious, schools to the extent consistent with the laws

## VII. PROVIDING SERVICES

### a. Personnel

- i. The complex area may contract with qualified private/independent individuals, including private school teachers, to provide the services. Please refer to the Procurement Procedures database on Lotus Notes to ensure compliance with state procurement regulations.
- ii. Department employees may be contracted to provide PSPP services (outside of their regular working hours) if those services are not normally provided by the private school.
- iii. Private school personnel may be contracted to provide PSPP services (outside of their regular working hours) and must perform the services under the supervision and control of the complex area.
- iv. Services provided must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing PSPP services do not have to meet the highly qualified special education teacher requirements of §300.18.

### b. Transportation

- i. If necessary for the child to benefit from or participate in the PSPP services, a parentally-placed private school child with a disability must be provided transportation –
  1. From the child's school or the child's home to a site other than the private school; and
  2. From the service site to the private school, or to the child's home, depending on the timing of the services.
- ii. The school is NOT required to provide transportation from the child's home to the private school.

## VIII. DUE PROCESS COMPLAINTS

- a. The due process provisions of IDEA do not apply to issues regarding the provision of services to an individual parentally placed private school child because they have no individual right to services.
- b. A parent does, however, have the right to file a due process complaint regarding evaluation and eligibility under the child find requirements of IDEA.