

Special Education Procedure Chart for Nonpublic Students

For students who are **RESIDENT** in the public district where nonpublic school is located:

For students who are **NONRESIDENT** in the public district where nonpublic school is located:

1. Preschool-12 evaluation; offer of FAPE at resident public school

2. **Eligible student** - parent declines FAPE, public district offers a Nonpublic Services Plan

3. **Eligible student** - parent declines all special education

1. K-12 evaluation; defer to resident district for pre-K and FAPE

2. **Eligible student** - parent declines resident district FAPE, public district of location offers a Nonpublic Services Plan

3. **Eligible student** - Parent declines all special education

- Public district of location is responsible for conducting preschool **and** K-12 special education evaluations.
- Consents, evaluation, eligibility determinations, and plans are documented on typical special education forms.
- If eligible, the public resident district must offer a FAPE (IEP for special education programs/services in the public school) to eligible resident nonpublic students.
- Students who have shared time in the nonpublic school for core classes and in the public school for non-core classes require an IEP for all special education programs/services.
- The resident district is not required to provide special education programs/services outside the resident district boundaries.

- **For eligible students only**, the parent may seek special education ancillary services-only at the nonpublic school by accepting/declining a Nonpublic Service Plan offered by the public district of location. If parent accepts, the public district is responsible for holding:
 - annual reviews of the plan
 - three-year redetermination Nonpublic Service Plan

- If all programs/services are declined, the public **district of location** still must offer a redetermination of eligibility at least every 36 months (*Redetermination of Eligibility for a Nonpublic School Student* form).
- The public district of location **must maintain records** of all nonpublic students found eligible for special education, but whose parents declined special education.

Sample language documenting an initial offer of a free and appropriate public education (FAPE) when parent declines an IEP:

- "If {student's name} were to enroll in {resident public district}, goals/short-term objectives would be written in the following areas:" *{List areas}*
- "The following special education programs/services would be offered in the resident public district." *{List recommended programs/services, frequency}*
- "The parent declines the district's offer at this time."

- **Public district of location is responsible for Child Find** and conducting K-12 special education evaluations.
 - All preschool evaluations/programs/services are the responsibility of the student's resident district.
- Consents, evaluation, and eligibility determinations, are documented on typical special education forms.
- If eligible, the public district of location has **no** responsibility to offer FAPE (IEP for special education programs/services in the public school) to nonresident nonpublic school students.
 - Nonresident nonpublic students needing K-12 IEP programs (FAPE) per the evaluation are referred to the resident public district.
- The **district of residence must provide an initial offer of FAPE**, but is not required to provide special education programs/services within nonresident district boundaries.

- **For eligible students only**, the parent may seek special education ancillary services-only at the nonpublic school by accepting/declining a Nonpublic Service Plan offered by the public district of location. If parent accepts, the public district of location is responsible for holding:
 - annual reviews of the plan
 - three-year redetermination Nonpublic Service Plan

- If all services are declined, the public **district of location** still must offer a redetermination of eligibility at least every 36 months (*Redetermination of Eligibility for a Nonpublic School Student* form).
- The public district of location **must maintain records** of all nonpublic students found eligible for special education, but whose parents declined special education.