

# Chapter 8: Private, Charter, Residential and Other Settings

Previously Chapter 9: Charter Schools

Previously Chapter 10: Private Schools




**OKLAHOMA**  
Education



# Part 1: Private Schools


Child Find  
Services  
Contracts

# Child Find-District Obligations: Student 1


Student	This is the district where the eligible student with disabilities lives.	This is the district that bounds the private school where the eligible student with disabilities attends.	Who is responsible for annual child find reporting to OSDE for the eligible student with disabilities?	Who is responsible for evaluations and eligibility determination for the eligible student with disabilities?	Who provides special education services and/or materials for the student with disabilities attending the private school?	Does the parent or eligible student with disabilities have a right to due process?	Does either district have an obligation to proportionate share of funds?
<p>1.</p> 	<p>District A</p> <p>Home</p>	<p>District A</p> <p>Location of Private School</p>	<p>District A</p> <p>The district where the private school is located if the student is eligible to receive services.</p> <p><b>34 CFR 300.131</b></p>	<p>District A</p> <p>District A where the private school is located.</p> <p><b>34 CFR 300.131</b></p>	<p>District A</p> <p>The district where the private school is located if the student is eligible to receive services.</p> <p><b>34 CFR 300.134 (d)</b></p>	<p>No, the parent may file a complaint to OSDE for failure of child find or a disagreement with the consultation process.</p> <p><b>34 CFR 300.140</b></p>	<p>Yes, <b>District A</b> where the private school is located is responsible for a proportionate share of funds to the private school where the eligible student attends.</p> <p><b>34 CFR 300.133</b> <b>34 CFR 100.134 (b)</b></p>



# Child Find-District Obligations: Student 2

Student	This is the district where the eligible student with disabilities lives.	This is the district that bounds the private school where the eligible student with disabilities attends.	Who is responsible for annual child find reporting to OSDE for the eligible student with disabilities?	Who is responsible for evaluations and eligibility determination for the eligible student with disabilities?	Who provides special education services and/or materials for the student with disabilities attending the private school?	Does the parent or eligible student with disabilities have a right to due process?	Does either district have an obligation to proportionate share of funds?
<p>2.</p> 	<p><b>District A</b></p> <p><b>Home</b></p>	<p><b>District B</b></p> <p><b>Location of Private School</b></p>	<p><b>District B</b></p> <p>The district where the private school is located if the student is eligible to receive services. <b>34 CFR 300.131 (a)</b></p>	<p><b>District A and B</b></p> <p>Each LEA, District B primarily. The parent can request an additional evaluation from District A. <b>34 CFR 300.131 (a)</b></p>	<p><b>District B</b></p> <p>The district where the private school is located if the student is eligible to receive services. <b>34 CFR 300.134 (d)</b></p>	<p>No, the parent may file a complaint to OSDE for failure of child find or a disagreement with the consultation process. <b>34 CFR 300.140</b></p>	<p>Yes, <b>District B</b> where the private school is located is responsible for a proportionate share of funds to the private school where the eligible student attends. <b>34 CFR 300.133</b> <b>34 CFR 100.134 (b)</b></p>

# Child Find-District Obligations: Student 3

Student	This is the district where the eligible student with disabilities lives.	This is the district that bounds the private school where the eligible student with disabilities attends.	Who is responsible for annual child find reporting to OSDE for the eligible student with disabilities?	Who is responsible for evaluations and eligibility determination for the eligible student with disabilities?	Who provides special education services and/or materials for the student with disabilities attending the private school?	Does the parent or eligible student with disabilities have a right to due process?	Does either district have an obligation to proportionate share of funds?
<p>3.</p> 	<p>Another State</p> <p>Home</p>	<p>District B</p> <p>Location of Private School</p>	<p>District B</p> <p>The district where the private school is located if the student is eligible to receive services. 34 CFR 300.131 (a)</p>	<p>District A and B</p> <p>Each LEA, District B, primarily. The parent can request an additional evaluation from the district of residence. 34 CFR 300.131 (f)</p>	<p>District B</p> <p>The district where the private school is located if the student is eligible to receive services. 34 CFR 100.134 (d)</p>	<p>No, the parent may file a complaint to OSDE for failure of child find or a disagreement with the consultation process. 34 CFR 300.140</p>	<p>Yes, District B where the private school is located is responsible for a proportionate share of funds to the private school where the eligible student attends. 34 CFR 300.133 34 CFR 100.134 (b)</p>

# Location of Services

- The LEA makes the final determination of the location of services.
- Services can be provided at the private school, a public school, or other location.
- IDEA regulations state that the USDE believes, in the interests of the student, that **services should be provided on-site** at the private school so as **not to unduly disrupt the student's education** unless there is a compelling rationale for the services to be provided off-site.



# Location of Services and Transportation (34 CFR 300.139)

## Location of Services

- Private School
- Public School
- Other Location agreed upon by both LEA and private school during consultation

## Transportation

- Transportation
  - school to home
  - school to site for services
  - site for services to school
  - site for services to home (depending on the timing of services)
  - **Not required to transport from home to private school**
- Cost of Transportation

# LNH Scholarship

February 2022 OSEP Letter

The letter offers guidance from OSEP. The Oklahoma state law states the revocation of consent stands. Parents will continue to revoke consent for services and eligibility in Oklahoma.



# Part 2: Charter Schools

Child Find  
Services  
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# Part 2. Section 2: SoonerStart Transition to Charter Schools

- If the charter school is part of an LEA, the LEA would be responsible for the SoonerStart transition to occur on or before the child's third birthday.
- If the charter school operates as its own LEA, then the public charter school or virtual charter school would be responsible for the SoonerStart transition, initial evaluation, and if the child is eligible, the special education and related services.
- If the public school, charter school or virtual charter school serves students in only a secondary school and meets the definition of a secondary school then it is not applicable for a young child to transition from SoonerStart to the secondary charter school.

# Part 2. Section 5: Provision of Services

- The Oklahoma Charter Schools Act requires each charter school to comply with all federal and state laws relating to the education of students with disabilities in the same manner as a public school district.
- A charter school may not unilaterally limit the type or amount of services it will provide to a child with a disability and must ensure a program of FAPE in accordance with that student's IEP.
- The charter school must have in effect policies, procedures, and practices that are consistent with state policies, procedures, and practices in special education.

# Part 3: Residential and Other Settings

There is a beautiful chart on pages 217-218 that offers the facility, level of care and the site for educational services.

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# Section 1: Residential Facilities-Child Find

The LEA where the facility is located is ultimately responsible for implementing Child Find and a FAPE for students residing in these facilities.

Evaluations for students living in residential facilities must be completed in a timely manner, (within 45 school days from the date of parent consent to the MEEGS) as are the evaluations for students not living in treatment facilities, even if the student will not be in the facility long enough to complete the evaluation.

If the student transfers to another LEA or residential facility and the evaluations have begun but they have not been completed, the responsibility for Child Find and a FAPE transfer with the student to the new LEA or residential facility.

Both districts should coordinate to ensure completion in a timely manner.

# Section 1: Residential Facilities-Services

- Entitled to FAPE and services to meet student's individual needs.
- Most cases LEA where facility is located is responsible for educational services.

# Section 1: Residential Facilities-Contracts

- Contractual Agreements
  - Number of Hours Taught
    - (4-core subjects and art)
  - Teacher Certification
    - (appropriately certified)
  - Adequacy of Facilities
    - (appropriate for educational programs)
  - Educational plans
    - (appropriate curriculum and transition plans)

# Part 2. Section 6: Head Start and Early Head Start-Child Find and Child Count

- The LEA is responsible for Child Find activities for students enrolled in the Head Start program who are residents of the district or have been granted a transfer under the Open Transfer Act.
- If a student attends a Head Start that is located outside of their home residency, then the LEA of the child's residency is responsible for Child Find and not the LEA where the Head Start facility is located.
- In collaboration with Head Start, the LEA shall provide a free evaluation for children aged 3 and up suspected of having a disability.
- The LEA must obtain written parent consent for the release of confidential information to communicate with Head Start personnel and share records of the child (e.g., screening data).
- The LEA cannot decline a Child Find referral from a Head Start program solely on the basis that Head Start did not implement scientific evidence-based interventions. OSEP (Letter to Brekken June 2, 2010) has clarified that the category of specific learning disability (SLD) is generally not applicable to preschool age children.



# Part 2. Section 6: Head Start and Early Head Start-Services

- Necessary modifications to the environment.
- Multiple and varied formats for instruction.
- Individualized accommodations and supports as necessary to support the full participation of children with disabilities.
- Protections from discrimination under and provided with all services and program modifications required by section 504 of the Rehabilitation Act (29 U.S.C. § 794), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and their implementing regulations.

# Part 2. Section 6: Head Start and Early Head Start-Contracts/Residency

- The child's district of residence is responsible for educational services, the provision of a Free Appropriate Public Education (FAPE) and Child Find.
- However, if the child is attending a Head Start program located outside of their district of residence, then the LEA where the Head Start program is located **is not** responsible for educational services, provisions of FAPE, and Child Find.

# Part 2. Section 6: Head Start and Early Head Start-Contracts/Residency

- If a parent chooses to enroll their child with a disability in a Head Start program located outside of their district of residence, then the parent would need to apply for a transfer to the LEA where the Head Start facility is located.
- Capacity-Staff-Availability-Services
- IEP Service Agreement: the resident district agrees that the receiving LEA provide FAPE to a student on an IEP.
- The resident district claims the child and agrees to pay tuition to the receiving LEA.
- The decision of the LEA Service Agreement will be made between the sending and receiving districts.