



IDEA Private School Consultation Process Guidance

IDEA requires LEAs to provide ongoing consultation with private school officials and the parents of parentally placed private school students attending private schools within the district's boundaries. Timeliness is critical to effective consultation and requires collaboration between the LEA and private school officials in developing a timeline and selecting dates for consultation. Consultation may include individual or group meetings, interviews, or other effective and efficient strategies. The law does not require the use of a specific consultation strategy.

Consultation is a mandatory process that involves discussions between the LEA, private school officials, and parent representatives on issues relating to the equitable participation of eligible private school children with disabilities in federally funded special education and related services (34 CFR 300.135).

LEAs must consult in a timely and meaningful way with private school and parent representatives during the design and development of special education and related services for parentally placed private school children with disabilities. IDEA does not specify what constitutes "meaningful consultation," but for consultation to be meaningful, it must be timely and ongoing throughout the school year (34 CFR § 300.134).

Steps for the Consultation Process:

1. Establish a timeline for consultation to help ensure that timely and meaningful consultation occurs throughout the school year. Consultation does not necessarily mean a meeting. The timeline can include meeting dates/times and agendas, but also training opportunities based on topics, one-on-one consultation through phone conferences, parent nights, etc. There is no specific schedule for consultation.
2. Reach out to all private schools within the district boundaries to determine which private schools will participate in consultation under 34 CFR § 300.134(a).
3. Develop an agenda or outline of topics for discussion at the consultation. The consultation process must include discussion on the following topics in accordance with 34 CFR § 300.134.
 - a) The child find process including how parentally placed private school children suspected of having a disability can participate equitably. This includes discussion regarding evaluations, eligibility determinations, and reevaluations.
 - b) How parents, teachers, and private school officials are informed of the child find process.
 - c) The proportionate share of funds available and how the determination of available funds was calculated.
 - d) The consultation process and how it 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.
 - e) The provision of services including how, where, and by whom special education and related services will be provided, including the types of services,
 - f) The apportionment of special education and related services if funds are not sufficient to serve all parentally placed private school children with disabilities, and how and when those decisions will be made.



- g) How LEA representatives will document the reason, with a written explanation, should the LEA choose not to adopt recommendations of the private school officials on the provision of services or the types of services, whether provided directly or through a contract. See 34 CFR § 300.134(a)–(e).
- 4. The district documents the consultation with a signed, written affirmation from participating private school representatives AFTER consultation(s). The district may develop its own form to document the consultation process or use the sample provided.

All consultation documents (e.g., list of all private schools located within the LEA, invitation of consultation meetings, sign-in sheets, agendas, handouts, signed affirmation statement(s), letters to private school representatives not in attendance, etc.) must be maintained for 5 years to record the LEA's fulfillment of the obligation to private schools with consultation over multiple years. If the private school representative does NOT sign or return the affirmation, the LEA is required to keep documentation of their attempts to consult with the private school to confirm the equitable services determined.

If a private school representative did not participate in the consultation meetings, the LEA must reach out to the private school by sending a letter, along with the documents discussed, including the request to consult and sign a written affirmation statement. If the private school representatives do not respond and/or provide a written affirmation within a reasonable period, the LEA must forward the documentation of the attempted consultation process to the Oklahoma State Department of Education-Office of Special Education Services (OSDE-SES) (34 C.F.R. § 300.135). You may forward this documentation to elana.grissom@sde.ok.gov.

Sample [LEA Affirmation of Consultation with Private School](#).

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