

PRIVATE SCHOOLS

(FORMERLY: CHILDREN IN PRIVATE SCHOOLS)

I. STATE POLICY

The Arkansas Department of Education has established policies and procedures that ensure that the requirements applicable to children with disabilities in private schools contained in 34 CFR 300.400 – 300.403 and § §. 300.450 – 300.462 are met. These policies and procedures address -

- A.** Children with disabilities in private schools placed or referred by public agencies;
- B.** Children with disabilities enrolled by their parents in private schools when FAPE is at issue; and
- C.** Children with disabilities enrolled by their parents in private schools [in general].

The specific policies and procedures are incorporated herein by reference and are found in Attachment 1, Section 14.00 of these eligibility documents.

In implementing the requirements of 34 CFR 300.401, the Arkansas Department of Education shall -

- A.** Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires. The Arkansas Department of Education monitors the provision of special education and related services provided by private schools and facilities through its LEA monitoring process. The monitoring process includes provisions for determining if children with disabilities who are placed in or referred to a private school or facility by a public agency are provided special education and related services in conformance with an IEP that meets established requirements and is at no cost to the parents; are provided an education that meets the standards that apply to education provided by the SEA (if applicable) and the LEAs; and have all of the rights of a child with a disability who is served by a public agency.
- B.** Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a child with a disability. The Arkansas Department of Education provides a copy of its rules and regulations governing the provision of special education and related services to all private schools and facilities wishing to provide such services to children with disabilities referred or placed by public agencies. The ADE has established a process of program approval for such private schools or facilities. Each private school and facility wishing to provide special education and related services to children with disabilities referred or placed by a public agency must make application annually and receive approval from the Arkansas Department of Education, Special Education Unit, for its program. The program must meet the same standards as the public schools.

- C. Provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them. Before the Arkansas Department of Education can promulgate final rules and regulations governing the provision of special education and related services, including standards which would apply to private schools and facilities, the proposed regulations must go through a period of public participation in accordance with the *Arkansas Administrative Procedures Act (APA)* (Refer to Attachment 2 - Statutes.) which provides for a period of not less than 30 days of public review and comment. Additionally, the federal requirement is 60 days of public review and comment.

Private schools and facilities are provided an opportunity to participate in the development and revision of State standards that apply to them in the through the specific methods set out in Part 1, Submission Statements for Part B of IDEA, II PUBLIC PARTICIPATION, pp. 1 & 2, of these eligibility documents.