



# SPREAD THE WORD: NON-PUBLIC PRESCHOOL OFFERINGS

The Indiana Department of Education’s (IDOE’s) Office of Special Education has provided this guidance for local educational agencies (LEAs) within a series of important topics of special education as a requirement by the U.S. Department of Education’s Office of Special Education Programs.

LEAs are responsible for ensuring students are offered a free and appropriate public education (FAPE). A school of legal settlement (SCOLS) offers FAPE by developing and offering a student an Individualized Education Program (IEP). If an IEP is rejected, a Service Plan may be appropriate. A local school corporation where a non-public school is located may develop and offer a student a Service Plan. See the table below for more information on appropriate offerings.

Attendance Location	Appropriate Offering
LEA	IEP
Non-Public Preschool (with Elementary School) and placed in Non-Public Preschool by the CCC	IEP
Non-Public Preschool (with Elementary School) and unilaterally enrolled by parent in Non-Public Preschool	IEP, then if rejected Service Plan (see Step 1)
Non-Public Preschool (without Elementary School) and placed in Non-Public Preschool by the CCC	IEP
Non-Public Preschool (without Elementary School) and unilaterally enrolled by parent in Non-Public Preschool	No special education services
Non-School Program (e.g., ABA Center, library storytime, Mothers of Preschoolers program) and placed in Non-School Program by the CCC	IEP
Non-School Program (e.g., ABA Center, library storytime, Mothers of Preschoolers program) and unilaterally enrolled by parent in Non-School Program	No special education services

Rule 34 of Article 7 explains requirements for non-public school and LEA responsibilities for Service Plans. 511 IAC 7-34-1(c)(2) provides that students three to five years of age cannot receive a service plan unless they were unilaterally enrolled by parents in a nonpublic school that meets the definition of an elementary school. Students with disabilities who have been placed in or referred to a non-public school by a public agency are to be offered an IEP.

## General Process for Developing Service Plans

### Step 1

The case conference committee (CCC) determines the recommended special education and related services. Then the SCOLS makes an offer of FAPE by developing an IEP with the CCC. If the student attends a nonpublic school, the local school where the nonpublic school is located may develop a Service Plan instead of an IEP for the student (Step 3).

### Step 2

Family accepts or rejects the IEP.

### Step 3

If the IEP is rejected, and if appropriate, a Service Plan is offered by the local school where the nonpublic school is located.

## Child Count Reporting Responsibilities

Eligible pupils enrolled in special education programs must be reported to Data Exchange by December 1 and April 1 annually.

Child count includes non-public school students who are *eligible* for special education and related services **AND** receive special education or related services.