

SAMPLE FORM

**IDEA Section 611(a) (10) WRITTEN AFFIRMATION OF CONSULTATION WITH
NONPUBLIC SCHOOL REPRESENTATIVES
CONCERNING SPECIAL EDUCATION SERVICES**

1. School districts where nonpublic elementary and secondary schools are located must **maintain documentation** of timely and meaningful consultations with participating nonpublic schools signed by the representatives of such schools. New York State has provided a sample form (attached) that districts may use in order to secure the signed affirmation by nonpublic school representatives of participation in the required consultation. In the event that a school district chooses not to use the State Education Department (SED) sample form, the district must maintain some form of documentation that establishes:
 - the date(s) on which the timely and meaningful consultation occurred;
 - documentation of subject areas covered during the consultation process; and
 - a signed and dated statement from each nonpublic school representative affirming that he/she participated in the consultation process.

2. In the event the district is unable to secure a written affirmation from one or more of the nonpublic school representatives either due to a refusal or failure to attend the consultation, or failure to submit the signed confirmation, **the district must provide documentation to the State** showing that the school in question was invited to the consultation. If a nonpublic school does not agree to consult with the district, then the district must maintain documentation of its attempts to secure the school's participation at the consultation. Such documentation should include:
 - a copy of the agenda used at the consultation;
 - a copy of the notice form or letter utilized by the district to notify the nonpublic schools of the consultation;
 - copies of signed affirmations by nonpublic school participants at the consultation; and
 - if necessary, copies of all invitations provided to nonpublic school representatives who either refuse to sign the affirmation or fail to attend the consultation.

Such documentation should be sent to:

New York State Education Department
Special Education Quality Assurance (SEQA)
89 Washington Avenue
Albany, NY 12234

Sample Form: This is not an official New York State Education Department or U.S. Education Department document.

**Written Affirmation of Consultation
with Nonpublic School Representatives concerning Special Education Services**

I hereby affirm that I was invited to and participated in the nonpublic/parochial school providers' consultation meeting sponsored by (SCHOOL DISTRICT) and held on (DATE) in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). I understand that during the course of the consultation, the following issues were required to be discussed:

- the child find process and how parentally placed nonpublic school students suspected of having a disability can participate equitably, including how parents, teachers and nonpublic school officials will be informed of the process;
- the determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities under this paragraph, including the determination of how the amount was calculated; including the proportionate amount allocated to students who are not residents of New York State (NYS);
- the consultation process among the school district, nonpublic school officials, and representatives of parents of parentally placed nonpublic school students with disabilities, including how such process will operate throughout the school year to ensure that parentally placed nonpublic school students with disabilities identified through the child find process can meaningfully participate in special education and related services;
- how, where, and by whom special education and related services will be provided for parentally placed nonpublic school students with disabilities, including a discussion of types of services and how and when these decisions will be made, including direct services and alternate service delivery mechanisms;
- how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made. (Note: for all NYS students, the school district must provide services pursuant to the student's individualized education service program (IESP), regardless of the apportionment of federal funds. For out-of-state students parentally placed in NYS nonpublic schools, the school district would need to consult on how such students can participate equitably consistent with the federal proportionate share of IDEA funds.); and
- how, if the school district disagrees with the views of the nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

I was provided the opportunity to express my views and to ask questions of the school district pertaining to the aforementioned issues. I understand that if I believe that the consultation was not meaningful, or that my views and those of others were not given due consideration by the school district, I could file a State complaint with the New York State Education Department that identifies the area(s) in which I believe the school district did not comply with the consultation process.

NONPUBLIC SCHOOL REPRESENTED: _____

PRINTED NAME: _____

SIGNATURE: _____

DATE: _____