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ABSTRACT

Presented alphabetically by state are the regulations regarding the use of public money for the provision of special education services in non-public facilities as of June 1, 1973. Information is given for most states on eligible handicapping conditions, qualifications for eligibility, the referral process, state financial assistance, location of private services, local and state monitoring, and followup responsibility. Noted are the following major trends: most states consider all children who are eligible for special education in the public schools to be eligible for private services also; the lack of an available public school program is the most common qualifying condition; the referral process differs; the state usually pays an amount equal to the per pupil expenditure in public school programs for the handicapped; 75% of states provide for placement in both in-state and out-of-state facilities; strict licensing procedures for private schools appears to be increasing; and more states require the monitoring by local districts of the progress of children in private programs. (DB)

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**THE PROVISION OF SPECIAL EDUCATION SERVICES  
IN NON-PUBLIC FACILITIES**

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**June 1, 1973**

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As the opportunities for handicapped children to receive an education expand in the United States, there is an increasing awareness that the degree and quality of this expansion is heavily dependent on the activities of government at all levels and in all branches -- executive, judicial, and legislative. Recognizing government's crucial role in the expansion process and the information needs of persons or agencies involved in or considering change, The Council for Exceptional Children through a grant from the Bureau of Education for the Handicapped, U.S. Office of Education established the State-Federal Information Clearinghouse for Exceptional Children (SFICEC) to provide this information.

The purpose of SFICEC is to identify, acquire, process, selectively retrieve, and disseminate information pertaining to government and the education of handicapped children. In carrying out this charge, SFICEC has developed a computer-based information system for the efficient and accurate retrieval of information.

To disseminate this information, SFICEC develops and distributes information products with material drawn from its data base. The products focus on specific areas pertaining to government and the education of handicapped children and utilize information from the law, administrative literature, attorney general's opinions and actual litigation. Other products discuss key issues and areas of concern to educators, parents, and public policy makers. In addition, SFICEC is also prepared to conduct searches to answer individual specific information requests.

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Alan R. Abeson, Director

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Many states have special education laws enabling parents to obtain educational services for their handicapped children in non-public facilities when public services are not available. Over 40 states have legal provisions allowing for the use of public monies to provide handicapped children with an education in private settings. Because of the number of states involved, the increasing amount of money being spent to provide children with an education in private settings, and the expanding demand for information in this area by parents, professionals, and appointed and elected policy makers, the State-Federal Information Clearinghouse for Exceptional Children examined the laws and administrative regulations relating to such provisions. In order to facilitate comparison the material has been divided into seven categories: (1) eligible handicapping conditions; (2) qualifications for eligibility; (3) referral process; (4) state financial assistance; (5) location; (6) local and state monitoring; and (7) follow-up responsibility.

### Eligible Handicapping Conditions

Handicapped children eligible to receive services in private settings include all children who are eligible for special education in the public schools in most states. Other states, however, such as Kentucky limit the categories of children eligible for private school reimbursement. In Kentucky, only deaf-blind children are eligible for reimbursement in a private school.

### Qualifications for Eligibility

The most frequently seen condition regarding eligibility for private placement is lack of an available public school program. In Minnesota and Wyoming, proper placement is determined by local authorities on the basis of the "best interests" of the child. In Nevada to receive reimbursement for the blind and deaf, the child's parents or guardians must have been state residents for at least five years. The qualifications for reimbursement are usually relatively minimal but it must be kept in mind that eligibility is initially dependent upon the child's being classified as handicapped under the state's eligibility requirements for special education in the public schools.

### Referral Process

The procedure for approving private placements is in many cases different from that of public school special education placements. Twenty-two states have guidelines detailing the referral process. In ten of these the final decision is made by the state department of education. The responsive persons usually are the state superintendent, commissioner, or director of special education. In some states such as North Carolina and Texas the parents of the child must initiate the application. In Massachusetts the parents or the school system may refer the child for placement.

### State Financial Assistance

The amount of assistance available varies widely. The range is reflected by Mississippi which pays \$250 annually to Tennessee and Arkansas where the state pays all the excess costs of a private education with the local district assuming a share equivalent to

the per pupil expenditure of non-handicapped children in the district. More commonly, the state will pay only the actual per pupil expenditure of public school programs for the handicapped during the preceding school year. In certain disability areas, especially the deaf-blind, more flexibility in funding is evident and generally actual program costs may be paid.

### Location

Of the states with such provisions, more than 75 percent provide for placement in both in-state and out-of-state private facilities. Some states such as Alabama, New Mexico, and Tennessee restrict private placements to in-state facilities. In other states, such as Oklahoma, the deaf-blind are eligible for out-of-state placement while children with other handicapping conditions are restricted to private settings within the state. In Massachusetts at present all handicapped children other than the learning disabled and physically handicapped may receive out-of-state placements, but when their new law goes into effect in 1974 all handicapped children will be eligible for out-of-state placements. New Jersey does not permit placements beyond 400 miles from Trenton, the capital, unless approved by the state commissioner of education.

### Local and State Monitoring

Recently passed Virginia legislation may be signaling future trends by establishing a strict licensing procedure for private school which includes adherence to state board standards, an on-site inspection, and payment of a licensing fee in order for them to receive state funds. Presently more than one-quarter of the states require private schools to meet state standards for the public schools in such areas as teacher certification, class size, age ranges, standards for physical facilities, child evaluation, and curriculum, content and sequence. In Tennessee, for example, the authority of the state commissioner of education, the local school superintendent and all other public school officials must be as broad in the private program as in any public school. Facilities and services of the private programs also must meet minimum state board standards. Chart I summarizes the types of standards established for private programs that are described more fully in the accompanying text.

### Follow-up Responsibility

Another trend may be found in the increasing number of states instituting more comprehensive methods for school districts to monitor the progress of children in private programs. Implicit is that public school districts are also being monitored to determine the movement to accept children back from private schools either through placing them in existing programs or in new programs. Pennsylvania's regulations regarding the use of private schools require that the school district of residence receive an annual assessment of each child made by the private school's educational team which must include, when appropriate, a certified public school psychologist's recommendation as to whether a continued placement in that setting will benefit the child. Alternative placements must be considered in the assessment. The child's home school district is responsible for providing an appropriate education to an exceptional child in the public schools as soon as the child can function in

the environment. A recent New Mexico law regarding the state's responsibility to provide handicapped children with a free public education stresses that although private school placements are available, they are not a permanent substitute for the provision of public school programs.

It must also be emphasized that although the material in this document is as current as possible the constant updating and revision of law and regulations may render some of this material out of date.



CHART I

State	Approval	Civil Rights Compliance	Curriculum	Equipment & Instructional Materials		Liability Insurance	Personnel Certification	Physical Facilities
				Instructional Materials	Liability Insurance			
Alabama	X							
Alaska	X							
Arizona			X		X		X	X
Arkansas			X					
California	X	X					X	
Connecticut	X							
Idaho	X							
Illinois	X	"Program consistent with public education goals."						
Kansas			X					
Louisiana	X							
Maine	X		X		X		X	X
Maryland	X		X		X		X	X
Massachusetts			X				X	
New Hampshire	X							
New Jersey			X				X	X
New Mexico	X							
New York	X							
North Carolina	X							
North Dakota	X		X					
Oregon								
Pennsylvania	X		X		X		X	X
Rhode Island	X							
South Dakota	X						X	X
Tennessee	X		X				X	
Texas	X		X		X			X
Utah							X	
Vermont	X	Policies and procedures are the same as for public schools.						
Virginia	X							
Wyoming	X						X	

## ALABAMA

### ELIGIBLE HANDICAPPING CONDITIONS

Mild to moderately to severely retarded, but not including the profoundly retarded; speech impaired; deaf and hearing impaired; blind and vision impaired; the crippled and other physical handicaps; emotionally conflicted; socially maladjusted; special learning disabled; multiply handicapped; and gifted.

### QUALIFICATIONS FOR ELIGIBILITY

Children whose needs cannot be met in the public schools are eligible for a private school placement.

### STATE FINANCIAL ASSISTANCE

Payment cannot exceed average per pupil expenditure for all exceptional children in a school district including teacher units, transportation, and all other state aids.

### LOCATION

Only schools in Alabama may be approved for placement.

### LOCAL AND STATE MONITORING

Private institutions must be approved or accredited by the state board of education. Schools not meeting minimal standards cannot receive funds either directly or indirectly.

## ALASKA

### ELIGIBLE HANDICAPPING CONDITIONS

Educable and trainable mentally retarded; physically or emotionally handicapped; learning disabled; gifted; multiple handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

A child may be sent to an out-of-state private school for special education if no appropriate program is available in the child's district or school attendance area of residence and the commissioner of education determines it is not feasible for the child to attend a public school special class elsewhere within the state.

### LOCATION

Both in-state and out-of-state placements may be made.

### STATE FINANCIAL ASSISTANCE

The school district or board of the state operated schools pays an amount equal to the local per pupil contribution. The board of the state operated school pays (a) 75% of the annual cost of the child's education or (b) an amount that when added to the local contribution equals the total cost of the child's education, whichever is less, but not more than \$9,000.

## ALASKA

The parent or guardian of the child pays any remaining cost, unless it is determined that the parent or guardian is unable to pay, in which case the remaining cost is paid by the local school district or board of the state operated schools.

## ARIZONA

### ELIGIBLE HANDICAPPING CONDITIONS

Educable mentally handicapped, emotionally handicapped, multiple handicapped, physically handicapped, specific learning disabled, speech handicapped, trainable mentally handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

Students qualifying for any special education program may be placed in a private school.

### REFERRAL PROCESS

The school district must determine whether the student qualifies for special education services and whether the private school is state approved.

### STATE FINANCIAL ASSISTANCE

The school district pays for educational services, but not for medical services, individual therapy, or parent counseling beyond the school program.

The state and county pay the school district on an expenditure per pupil basis, which varies according to disability.

Parents must agree to assume any tuition costs not paid by the school district, county, or state.

### LOCATION

Placement may be approved in schools within or without the state.

### LOCAL AND STATE MONITORING

Special education professionals must be certified and/or approved in their respective areas of exceptionality. Physical facilities, instructional materials, and equipment must be adequate. An acceptable curriculum guide must be developed and used. Adequate liability insurance must be provided.

### FOLLOWUP RESPONSIBILITIES

The contracting public school district must report attendance to the state department in the same manner as other special education classes according to data received from the private agency.

## ARKANSAS

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf-blind.

## ARKANSAS

### QUALIFICATIONS FOR ELIGIBILITY

The state may pay the total costs including room, tuition, transportation, and other necessary expenses.

### LOCATION

Placements may be approved in schools within or without the state.

## CALIFORNIA

### ELIGIBLE HANDICAPPING CONDITIONS

Physically handicapped, blind, partially seeing, visually impaired, mentally retarded, severely mentally retarded, multiply handicapped, deaf, or hearing impaired.

### QUALIFICATIONS FOR ELIGIBILITY

A child may be placed in a private educational facility if: (1) no appropriate public school or institutional programs are available within a reasonable distance of the child's home, as determined by the district or county superintendent and the chief county health officer. Fifty miles or sixty minutes of travel are usually the maximum. The cost of establishing a local program must also be prohibitive; or (2) the child's attending physician (or optometrist if the child is visually handicapped) recommends educational modifications which the local special education program cannot provide. The admissions committee, followed by the superintendent and the chief county health officer, determine whether the modification can be provided. In the event that placement in private facilities is denied, the parent or guardian may appeal to the department of education for reconsideration. The department's decision will be given in writing within ten days, along with a statement of reasons if the decision reverses that of the superintendent and the health officer.

If asked, the attending physician must recommend at least two schools which could provide the modifications in the program that he recommended.

### STATE FINANCIAL ASSISTANCE

The amount paid cannot exceed the present unit of average daily attendance of the regular state appropriate to the school district. Transportation costs are reimbursable. The parent or guardian of a child denied admission, but qualifying for tuition payments may file a written application to the school district. Within thirty days of receiving the application, the district must in writing deny or grant the application with reasons for denial stated. If denied, the parents or guardians may appeal to the county superintendent who then has 30 days to uphold or reverse the school district. If he reverses the decision a report and claim shall be made by the school district in which the minor resides. Then the county superintendent contracts for the placing of the exceptional child in another school district within or without the county. The superintendent may then transfer, to the district or county where the child was placed, the amount of state aid the placing district receives for the child. If the county superintendent confirms the district's decision, the parent or guardian may, within 10 days

## CALIFORNIA

following receipt of the county superintendent's decision further appeal to the department of education for consideration. Within 30 days after the receipt of the appeal, the department must, in writing, either affirm or reverse the decision of the county superintendent. In the case of an affirmation, a statement of reasons shall be sent. If the department affirms the county superintendent, a statement of reasons shall also be sent. If the department upholds the county superintendent that decision is final. If the department reverses his decision, a report and claim will be made by the school district in which the minor resides.

School districts with children receiving benefits from special education services under this section will report the attendance of these children and submit any claims the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of the child toward tuition arising out of this attendance through the county superintendent to the superintendent of public instruction. The aforementioned report and claims are submitted at the time and in a manner prescribed by the superintendent. The county superintendent must verify the attendance and submitted claims.

Upon verifying attendance, the superintendent will apportion to the school district submitting the report and claim, an amount sufficient to satisfy the claim, but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowed per unit of ADA for the particular disability and the amount per unit of ADA for that particular category. For multiply handicapped children, the apportionment shall not exceed the sum per unit of ADA of the state's regular apportionment to the district, the amount allowed per unit of ADA and the amount allowable per unit of ADA for the particular category.

### LOCATION

Schools both within and without the state may be approved.

### LOCAL AND STATE MONITORING

The school's program of instruction must include a curriculum conforming to that of the public schools and a written statement of this program must be available for review.

The school must submit a certificate of compliance with Title VI of the Civil Rights Act of 1964, as well as an affidavit of nonsectarian status. Length of school day and year as well as maximum class sizes must conform to public school standards.

Teachers must be certified for the exceptionality of the child for whom tuition is paid, unless a waiver is granted on the grounds that a shortage of teachers exist in the area as verified by the county superintendent.

The class must be designed to meet the specific needs of the child for whom tuition is being paid. Pupils with a different exceptionality must not number more than 25% of the allowable maximum class size. The school must report to the district of residence on the attendance of each child for whom the district pays tuition, and twice yearly on the progress of each child.

## CALIFORNIA

### FOLLOWUP RESPONSIBILITIES

The child's school board may order him transferred from one school, public or private, to another, subject to prior approval of the county superintendent.

When a child is placed in a private facility, with tuition paid by the state, if he changes his residence, the following must occur: (1) parent or guardian must notify the superintendent of the school district making tuition payments; (2) within seven days of the parent's or guardian's notification being sent, the superintendent of the child's old school district must notify the superintendent of the child's new school district, provide him with the child's records, and end tuition payments on the date the child moves; (3) on the first school day following change of residence, the new school district of residence must begin paying tuition or place the child in an appropriate special education program; (4) refusal to provide placement or payment of tuition by the new school district may be appealed by the parent or guardian to the county superintendent who must make a decision within seven days after receiving the appeal. The parent or guardian may appeal the county superintendent's decision to the state superintendent, who must render his decision within seven days after receiving the appeal. Tuition payments are retroactive to the date of change of residence. State support begins on the date on which continued eligibility is determined or the date of the child's change of residence, whichever occurs later.

## COLORADO

### ELIGIBLE HANDICAPPING CONDITIONS

Trainable mentally retarded and other severely handicapped persons.

### STATE FINANCIAL ASSISTANCE

Community incorporated boards may purchase assistance from public or private nonprofit sheltered workshops, day care centers, or other private facilities.

## CONNECTICUT

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally retarded, physically handicapped, socially or emotionally maladjusted, neurologically impaired, and learning disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Prior to approving a contract, the state secretary of education must consider such factors as the child's individual needs, the private program's suitability and efficiency and the economic feasibility of comparable alternatives.

If the local board does not provide the necessary program as required by law, the child is eligible for tuition, transportation, room and board, and other necessary items at the local board's expense.

If the child's noneducational needs or institutional care are the only factors preventing the child's educational needs from being met by the local board within the

## CONNECTICUT

district or by agreement with another district the board may meet its obligation to furnish special education for the child by paying the reasonable costs of educational services only in a private school, hospital, or other institution. The board or secretary must agree that such placement is mandatory to provide the necessary services.

### REFERRAL PROCESS

Cooperative planning for the child should include the parents, as well as representatives of agencies with responsibilities related to the child's education, and should be based upon the best professional advice available concerning the child's educational needs.

Private school placement by parents on their own does not commit the board to pay for such a program. However, a board's inaction does not relieve it of its responsibility to provide a satisfactory program. If private placement is found necessary, the board may be obliged to pay special education costs incurred while the board's action was pending.

### STATE FINANCIAL ASSISTANCE

Law implies that in approved cases the state will reimburse all costs of services for which the child is eligible.

### LOCATION

Placements may be approved for schools both within and without the state.

### STATE AND LOCAL MONITORING

Schools must be approved by the Connecticut or other state department of education or some evidence of the institution's competency will be required.

### FOLLOWUP RESPONSIBILITY

Contract must provide for exchange of essential information between the board and the institution, reports of progress and attendance or important changes accomplished by the school, and reasonable visiting rights by public school authorities and parents.

## DELAWARE

### ELIGIBLE HANDICAPPING CONDITIONS

Learning disabled and blind.

### QUALIFICATIONS FOR ELIGIBILITY

If an evaluation and placement committee certifies that a child cannot be adequately served in any of the units for children with learning disabilities or if such a unit does not exist in a district or in a district within a reasonable transportation distance, the committee may recommend to the parents or legal guardian of the child and to the local superintendent a placement in a specialized public or private school.

## DELAWARE

In the case of a blind child, the commission for the blind may recommend to the governor that the child be placed in a private institution. The governor may approve or disallow such a placement.

### REFERRAL PROCESS

Any recommendation for assignment outside the Delaware public school system must be referred to the state superintendent for approval or disapproval.

### STATE FINANCIAL ASSISTANCE

If a child is placed in a private school, the district or residence must include in their budget a separate amount in state funds to cover the cost of tuition, transportation, and housing for the specialized assignment. This amount may not exceed the average expenditure per pupil of state funds from the preceding year. This amount is not counted against the district's allocation for other unit purposes nor shall the district count the student in their count by which units are determined for the school district. If the evaluation and placement does not coincide with the budget presentation, the amount will be drawn from the education contingency fund.

### LOCATION

Both in-state and out-of-state placement may be approved.

## FLORIDA

### ELIGIBLE HANDICAPPING CONDITIONS

Educable mentally retarded, trainable mentally retarded, speech impaired, deaf, hard of hearing, blind, partially sighted, crippled, and other health impaired, emotionally disturbed, socially maladjusted, specific learning disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Local boards have the ability to contract for services for exceptional children with approved private facilities.

## GEORGIA

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally retarded, physically handicapped, speech handicapped, multiply handicapped, autistic, hearing impaired, visually impaired, and other exceptionalities which may be defined.

### QUALIFICATIONS FOR ELIGIBILITY

If a child is unable to be educated in a local school system, his parent may seek an appropriate program after receiving state department approval.



## GEORGIA

### STATE FINANCIAL ASSISTANCE

The school or agency providing the program will be reimbursed for tuition, fees, transportation and books. The reimbursement cannot exceed the cost of educating an exceptional child of identical age of a similar handicap in the Georgia public schools. For trainable mentally retarded children tuition assistance of up to \$500 per child is available. For multiply handicapped children, a special appropriation is made to provide financial assistance to parents who would otherwise be unable to enroll their child. The actual amount varies according to available funds.

### LOCATION

Placements both within and without the state may be approved.

## HAWAII

No provision is made for the placement of handicapped children in private facilities.

## IDAHO

### ELIGIBLE HANDICAPPING CONDITIONS

Physically handicapped, mentally retarded, emotionally disturbed, chronically ill, perceptually impaired, visually or aurally handicapped, speech impaired, and other handicapped children requiring special education and/or services.

### QUALIFICATIONS FOR ELIGIBILITY

Districts may contract with any private rehabilitation center, hospital, or corporation approved by the school board if there are no programs within the school districts.

### STATE FINANCIAL ASSISTANCE

Local district pays tuition, at a rate computed by law, to the private agency. This amount includes money reimbursed to the school district by the state under the handicapped child factor of the education foundation program.

### LOCATION

Placements may be approved in facilities both within and without the state if the facilities are approved by the Idaho board of education.

### LOCAL AND STATE MONITORING

The agency operating the facility must annually apply for approval to provide services for a designated classification of exceptional children or a combination of such classifications. The application must contain the organization's name, address, legal status, and purposes; a description of its services, and degrees, certifications and professional authorization and the geographic area served.

The application must also state the proposed contractual arrangements, including the type, number, and age range of pupils, the names and titles of staff providing services,

## IDAHO

their certification, details of program organization and supervision, and a description of the facility, its equipment and instructional materials.

A statement of assurance by the submitting agency that the special education services carried out under contract will supplement but not replace any existing special education program operated by school districts within the services area must also be in the statement.

The application must be submitted to the state board of education by the state director of special education.

## ILLINOIS

### ELIGIBLE HANDICAPPING CONDITIONS

Physically handicapped, multiply handicapped, maladjusted, educable mentally retarded, trainable mentally retarded, and speech defective.

### QUALIFICATIONS FOR ELIGIBILITY

The district must certify that it is unable to meet the needs of the child because of his particular handicap.

### STATE FINANCIAL ASSISTANCE

The district may pay the actual cost or \$2,000, whichever is less, and transportation to a day school. The state will reimburse the district for all costs minus \$600; and for summer programs, actual cost or \$500, whichever is less, and transportation, minus \$100.

### LOCATION

Placements both in and out of Illinois may be approved.

### LOCAL AND STATE MONITORING

The private facility must offer programs consistent with the public education goals and also must be licensed.

## INDIANA

### ELIGIBLE HANDICAPPING CONDITIONS

Physical or mental disability, including the multiply handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

Children, who may or may not be of normal intellectual capacity, whose handicap is of such intensity that achievement in the local school district is precluded and for whom it is economically unfeasible to establish a local or regional special education program. Appropriate diagnosis must be made to ascertain whether the child can profit educationally from this program. Approval of placement is valid for one school year only. Approval during succeeding years is given if the child is making adequate progress as

## INDIANA

shown in an annual comprehensive status report. A decision as to continued eligibility for the next year is made by June 15.

### STATE FINANCIAL ASSISTANCE

State payments may be made when the costs of services are more than the regular cost of educating children of like age and grade levels in the child's school district of residence and after the local district has paid its share of the total tuition cost (the regular per capita cost of general education in the district).

### LOCATION

Placements may be authorized in schools both within and without the state.

### LOCAL AND STATE MONITORING

Private school placements should be made on an interim basis only, pending availability of a program in a state or local district operated program.

### FOLLOWUP RESPONSIBILITIES

The local school corporation is responsible for obtaining information from the private facility to compile an annual comprehensive status report on the child's progress, which must be submitted to the division of special education by May.

## IOWA

### ELIGIBLE HANDICAPPING CONDITIONS

Crippled, defective sight, hard of hearing, speech impairment, heart disease, tuberculosis, physical defects, emotionally maladjusted, intellectually incapable.

### QUALIFICATIONS FOR ELIGIBILITY

Districts may contract with approved private facilities in cases where public facilities are unavailable.

## KANSAS

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf-blind, severely handicapped, developmentally disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Deaf-blind or otherwise severely handicapped children must be of "educable" mind and unable to benefit from available public school programs.

Developmentally disabled children are eligible if no public school program within the state has the necessary facilities that will accept the student.

### REFERRAL PROCESS

The division of special education determines the proper placement of deaf-blind and otherwise severely handicapped children in coordination with other state agencies.

## KANSAS

The school district of an eligible developmentally disabled child contracts with a private corporation subject to state board of education approval.

### STATE FINANCIAL ASSISTANCE

The state pays the total amount of tuition, transportation, room, board, diagnosis, evaluation, and other items necessarily relevant to the education of a deaf-blind or otherwise severely handicapped child.

The sending school district contracts to pay the cost of educating the child, not exceeding an amount equal to three times the amount the school district expended per pupil for operating costs in the previous school year. State reimbursement for the developmentally disabled is the same as for public school special education programs.

### LOCATION

For all three types of children placements may be approved in schools both in and out of the state.

### LOCAL AND STATE MONITORING

The private school must provide a "qualified program" for deaf-blind or severely handicapped children.

The private corporation providing services to the developmentally disabled must be nonprofit and prior approval of the state board of the curriculum and contract is necessary.

## KENTUCKY

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf-blind.

### QUALIFICATIONS FOR ELIGIBILITY

Deaf-blind children include those children whose combination of deafness and blindness prevents them from profiting satisfactorily from programs provided for either the deaf child or the blind child.

### REFERRAL PROCESS

The division of special education is responsible for determining the advisability of private school placement.

### STATE FINANCIAL ASSISTANCE

The state department of education may spend any available funds for evaluation and diagnosis, room, board, tuition, transportation, and any other relevant items.

### LOCATION

Placements may be approved in facilities both in and out of Kentucky.

## LOUISIANA

### ELIGIBLE HANDICAPPING CONDITIONS

Physically handicapped, mentally handicapped, slow learners, educable and trainable mentally retarded, deaf, hard of hearing, speech impaired, blind, partially sighted, emotionally disturbed, cerebral palsied, learning disabled, crippled, other health impaired children.

### QUALIFICATIONS FOR ELIGIBILITY

If it is unfeasible for school boards to establish public classes, the state department of education may pay tuition in an approved private school or facility. To be eligible for such services a child must be eligible to enroll in an appropriate public school or facility if it were available in his city of residence.

### STATE FINANCIAL ASSISTANCE

The state department may pay up to \$60 monthly for a 9-month school year for residential pupils and \$40 monthly for 9-month day pupils.

### LOCATION

Placements must be made in schools in Louisiana only.

### LOCAL AND STATE MONITORING

All persons, institutions, schools, or organizations engaged in the care and training of the mentally retarded must apply to the department of institutions for a license, which cannot be granted until a representative of the department has visited, inspected, and approved the facility.

## MAINE

### ELIGIBLE HANDICAPPING CONDITIONS

All children with physical or mental deviations making it impossible for them to benefit adequately from the regular public school program.

### QUALIFICATIONS FOR ELIGIBILITY

If special services are not provided within the district of residence, the child may be sent to a private school with the commissioner's of education approval.

### REFERRAL PROCESS

Each placement must be approved by the state department before a program is provided.

### STATE FINANCIAL ASSISTANCE

The sending unit pays actual per pupil cost incurred in the special education program for the preceding school year. This is the maximum allowable, except for pupils who are sent to the Perkins Institute or the Massachusetts School for the Blind for whom the state pays all expenses.

## MAINE

### LOCATION

Placements may be authorized both in and out of Maine.

### LOCAL AND STATE MONITORING

Programs must meet all standards established for public school classes including personnel certification.

### FOLLOWUP RESPONSIBILITIES

The program must be under the general supervision of the state department of education and the immediate supervision of the local superintendent.

## MARYLAND

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally retarded, physically disabled, communication disabled, visually handicapped, and specific learning disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Placements in private facilities may be made only if no program is available in local school districts or in Maryland public institutions.

### REFERRAL PROCESS

The local school system must cooperate with the parents in making the placement which must have state approval.

### STATE FINANCIAL ASSISTANCE

State aid applications with the reports of physicians, psychologists, and other specialists must be submitted to the state department by the local superintendent shortly after the child enters the facility.

Parents will receive up to \$1,000 or the actual cost, whichever is less. If any additional sum is included in the state budget, they will receive a prorated share.

### LOCATION

Placements may be authorized both within and without the state.

### LOCAL AND STATE MONITORING

Maryland's or any other state board must approve the school. The school must meet minimum standards set for public schools and provide an educational program meeting the child's specific needs.

### FOLLOWUP RESPONSIBILITIES

The local district must submit each application annually.

## MASSACHUSETTS

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf, blind, deaf-blind, mentally retarded-blind, aphasic, learning disabled, emotionally disturbed, and physically handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

Instruction may not exceed 12 years unless pupils are recommended for further instruction by the school principal or chief administrative officer. For learning disabled pupils, the length of instruction is recommended by the school principal or chief administrative officer.

### REFERRAL PROCESS

The education department may refer children to private schools on an annual basis at parental request and upon a local school board or regional special education division's recommendation with the state secretary's of education approval.

Before acting upon the request the department must determine the child's special needs.

### STATE FINANCIAL ASSISTANCE

The state will pay the expenses of the instruction and the support actually furnished to the child, including travel. Parents may be required to reimburse the state for support and care according to their ability to pay.

### LOCATION

Either in-state or out-of-state placements may be authorized except for the learning disabled and physically handicapped who must be educated within the state.

### STATE AND LOCAL MONITORING

Secondary school curriculum must be as nearly equivalent to that of the public schools as the department considers feasible. Teachers must be properly trained in the area of the disability of the children they are teaching.

Curriculum for the deaf must be based on speech reading, auditory training, and language and speech development.

### FOLLOWUP RESPONSIBILITIES

The department of education must direct and supervise the education of all children. The commissioner must annually report the number of children enrolled, the cost of their instruction and support, the allocation of appropriated funds, the extent to which these have been reimbursed and other important information. However, this does not affect the continuing authority of the departments of mental health and public health over all treatments and noneducational programs in institutions under their control.

NOTE: The above Massachusetts law is repealed as of September 1, 1974, and at that point the following takes effect:

## MASSACHUSETTS

### ELIGIBLE HANDICAPPING CONDITIONS

School age children with special needs who because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning disabilities, or any combination, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential.

### QUALIFICATIONS FOR ELIGIBILITY

On an annual basis, the department of education, when requested by the parent or guardian and recommended by the local school committee, refer children to an institution offering curriculum, instruction, and facilities appropriate to the child's needs and approved by the department under joint regulations with the departments of education, mental health, and public health.

Prior to acting on any such request, the department must determine the nature and extent of the child's needs. The department must require the local school committee and regional advisory council to prepare and submit plans detailing the time needed to establish adequate facilities for children with special needs in their own city, town, or school district and must ascertain whether adequate facilities and instruction programs are available. Until adequate facilities are available the child will be placed in the most adequate facility available as determined by the department.

The department shall further define by regulations the circumstances in which it would be directly responsible for placing children and by the standards available to the public, determine the method and order of these placements. However, no child will be denied access to any programs operated by the departments of mental health, public health or public welfare, to which in the judgement of the operating department the child should be admitted.

### STATE FINANCIAL ASSISTANCE

The expenses of the instruction and support actually furnished to the child, including traveling expenses whether daily or otherwise, but not exceeding ordinary and reasonable compensation will be paid by the state, but the department shall issue joint regulations with the mental health, public health, and public welfare departments defining circumstances in which the state will be required to pay all of the cost and the cases when a parent or guardian may be required to reimburse the state for part or all of the cost. However, the cost to the school committee for such a placement cannot be less than the average per pupil cost of educating comparable age children within the city, town, or school district. In determining the cost to the parent, if any, no charge will be made for any educational support, only for support and care. In the determination of a parent or guardian's cost, the department will apply criteria taking into account relative ability to pay.

### LOCATION

Placements may be made in schools both in and out of the state.



## **MASSACHUSETTS**

### **LOCAL AND STATE MONITORING**

The curriculum of approved private institutions must be equivalent insofar as the department deems feasible to the curriculum of comparable age children in a public school of the state.

### **FOLLOWUP RESPONSIBILITIES**

The department shall direct and supervise the education of all children, and the commissioner will state in his annual report their number and cost of their instruction and support, the manner in which the appropriated money has been expended, and to what extent reimbursed and any other important information. Nothing in this clause affects the continued authority of the departments of mental health and public health over all non-educational programs and all treatments for residents and patients in institutions under their control.

## **MICHIGAN**

No provision is made for the placement of handicapped children in private facilities.

## **MINNESOTA**

### **ELIGIBLE HANDICAPPING CONDITIONS**

Deaf, hard of hearing, partially seeing, crippled, speech defective, physically impaired, trainable mentally handicapped, educable mentally handicapped, and emotionally disturbed.

### **QUALIFICATIONS FOR ELIGIBILITY**

School districts are not obliged to pay tuition for private schools unless they have been involved in the placement process. Private placements may be made only if considered the best method of meeting the child's educational needs.

### **REFERRAL PROCESS**

The school district retains the final decision to contract for educational services with private schools.

### **STATE FINANCIAL ASSISTANCE**

Three copies of the contract must be submitted to the special education section which reviews the contract, decides whether the service provided is appropriate, and determines the amount of state aid to be paid. No state aid will be paid for services rendered before the commissioner of education has approved the contract. The school district is eligible for special aids in addition to the minimum foundation program.

### **LOCATION**

Either in or out-of-state placements may be authorized.

## MINNESOTA

### LOCAL AND STATE MONITORING

Contracts should be made for each child. They should include and account for all costs for which the school district agrees to be responsible. Transportation or room and board costs should be contracted for separately.

A school board may lease rooms for school purposes, but if leased rooms are in a nonpublic school building, all religious symbols must be removed from the rooms, all teachers must be public school teachers, and at least some of the pupils must be public school pupils.

### FOLLOWUP RESPONSIBILITIES

Providing educational services or training through a contractual agreement with an agency does not remove or lessen the school district's responsibility for the child. School officials should adopt all necessary procedures to assure that continued placement is appropriate. An ongoing monitoring process should be adopted as part of the standard process of evaluating a private institution's suitability for contracting purposes.

## MISSISSIPPI

### ELIGIBLE HANDICAPPING CONDITIONS

Defective hearing, vision, or speech; mental retardation, other mental and physical conditions.

### QUALIFICATIONS FOR ELIGIBILITY

Non-high school graduate under 21 who is unable to pursue regular class work.

### REFERRAL PROCESS

If the department of education disapproves a request for enrollment in a private or parochial school, it must notify by certified mail the parent, guardian, or person standing in loco parentis. Within ten days after receiving this notice, the applicant may apply for a hearing to the state board, which must hold a "prompt and fair" hearing. If the application is again disapproved, notice is again sent to the parent, guardian, etc. by certified mail. Within ten days after receiving this notice, the applicant may file a petition in the chancery court of the county for a hearing on all questions of fact and law. This petition is served on the state superintendent. The board prepares a certified transcript of the record of the case for the court clerk. The record must include a copy of the application and any official findings, orders, and rulings. The board has 30 days after the filing of the petition to appear and file exceptions, answers, and other pleadings.

The court considers the law, the pleadings, and evidence introduced and may modify or reverse the board's findings and enter its judgement accordingly. Appeal of the court's decision is through the normal civil appeal procedure.

### STATE FINANCIAL ASSISTANCE

The state classifies applicants by disability with all applicants of the same classifi-

## **MISSISSIPPI**

cation receiving the same financial assistance, but not exceeding actual costs or \$240 yearly, whichever is less.

### **LOCATION**

Placements are permitted in schools both within and without the state.

### **LOCAL AND STATE MONITORING**

Schools may be private or parochial. The state department has the authority to enforce reasonable rules and regulations and to establish standards for the administration of the program.

## **MISSOURI**

No provision is made for the placement of handicapped children in private facilities.

## **MONTANA**

No provision is made for the placement of handicapped children in private facilities.

## **NEBRASKA**

No provision is made for the placement of handicapped children in private facilities.

## **NEVADA**

### **ELIGIBLE HANDICAPPING CONDITIONS**

Deaf, mute, aurally handicapped, blind, visually handicapped.

### **QUALIFICATIONS FOR ELIGIBILITY**

Blind and deaf persons must be mentally and physically capable of receiving education or instruction; free of offensive and contagious diseases and unable to pay for support, education, and instruction in the school or institution; and he must have been a state resident for five years.

### **REFERRAL PROCESS**

The parent, relative, guardian, or nearest friend must file an application with the board of county commissioners (for deaf or blind persons) or with the state superintendent of public instruction (for visually handicapped and aurally handicapped persons). The state superintendent will make all further arrangements.

### **STATE FINANCIAL ASSISTANCE**

For eligible deaf or blind persons, the state pays all expenses, including transportation.

For visually or aurally handicapped persons the state superintendent is authorized to enter into a contract with the handicapped person's parent, relative, guardian or

## NEVADA

nearest friend to share the cost of providing for educational benefits. The state's share of the cost in each case must not exceed the amount paid by the state to educate deaf and blind persons, and there must be no cost to the state for medical expenses.

### LOCATION

Placements in facilities both in and out of the state may be authorized.

## NEW HAMPSHIRE

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf, physically handicapped, emotionally handicapped, and intellectually handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

Deaf children are eligible at age four, others at age five. For physically handicapped children nonpublic placements are determined by the state board.

### STATE FINANCIAL ASSISTANCE

The district of residence may pay tuition up to the state average tuition, and in greater amounts if the local board sees fit.

The state pays a portion of the tuition cost if the program meets state board standards and funds are available.

### LOCATION

Placements may be made in schools both in and out of New Hampshire.

### LOCAL AND STATE MONITORING

The private school and the child's placement in it must be approved by the state board.

## NEW JERSEY

### ELIGIBLE HANDICAPPING CONDITIONS

All handicapped children, except "those so mentally retarded as to be neither educable nor trainable."

### QUALIFICATIONS FOR ELIGIBILITY

Child must be capable of benefiting from the program and it must be impractical for the school district or state to provide an appropriate program.

### REFERRAL PROCESS

The commissioner must approve in advance each individual case, utilizing a child study team's evaluation.

## NEW JERSEY

### STATE FINANCIAL ASSISTANCE

Sending board of education pays day school costs, not exceeding the maximum tuition cost as established by the state board for the school year.

Payment may be only for rendered services, beginning with approval or retroactively as determined by the child study team. No prepayment by the board or by the child's parents is permitted. The state reimburses the local board for 50% of the costs.

### LOCATION

A child may be placed in a nonpublic facility more than 400 miles from Trenton only under special circumstances and with the commissioner's approval.

### LOCAL AND STATE MONITORING

School day, class size, and grouping must conform to state standards for the public schools. Record of examinations, both group and individual, used in identifying, evaluating and placing the child must be accessible to the commissioner, his appointed representatives and approved agencies.

The program must be open to observation by the chief school administrator of the sending district and to the commissioner or his representatives. Financial records must be made available for computation of tuition costs. The cost of day school instruction must be listed separately from costs of other services provided. Capitol improvements may not be included in determining tuition costs. Records must be available for review by the commissioner or his representative.

The private school may not charge a tuition rate higher than the maximum day class cost of education per pupil in New Jersey as determined by the commissioner with the approval of the state board. The school must file a statement noting that it is nonprofit and nonsectarian and its educational program complies with New Jersey law and regulations.

All professionals must have certification in New Jersey or in the state in which they teach, or, in out-of-state schools only, must submit evidence of eligibility for New Jersey certification.

For teachers with provisional certification, evidence must be submitted annually that the teachers have earned at least four credits toward full certification.

The local board of education sending the child must establish a written contract with the nonpublic school for the school year or part of the school year during which the child is attending the school.

Physical facilities are subject to annual approval by the county superintendent of the county in which the school is located or by an official representative of the state department. Facilities in another state may be approved by the appropriate agencies of that state or by a representative of the New Jersey state department.

### FOLLOWUP RESPONSIBILITIES

The nonpublic school must make student evaluation reports of progress and adjustment at regular intervals, but at least twice during the school year.

The sending district receives the pupil's attendance record at the end of the school

## NEW JERSEY

year or upon request. The district must be notified if the child is taken out of the program or is absent for long periods of time for unusual reasons.

## NEW MEXICO

### ELIGIBLE HANDICAPPING CONDITIONS

All "children whose abilities render regular services of the public schools to be inconsistent with their educational needs."

### QUALIFICATIONS FOR ELIGIBILITY

The responsibility of school districts and state institutions to provide exceptional children with a free public education is not diminished by the availability of private schools and services.

### STATE FINANCIAL ASSISTANCE

All agreements by the local boards and such schools must be approved by the state superintendent. Children attending these schools will be counted in the district membership on the same basis as regular students. The distribution of money will be made to the school district purchasing the services from the nonprofit training centers from the appropriation for the basic program distribution.

### LOCATION

Law implies that placements may be made only in New Mexico.

### LOCAL AND STATE MONITORING

Agreements must provide for diagnosis and an educational program for each child meeting state standards. The agreements must also acknowledge the authority and responsibility of the local board and the department to conduct on-site evaluations of programs and pupil progress to ensure meeting state standards.

### FOLLOWUP RESPONSIBILITIES

If such schools are utilized the state continues to be responsible to assure that all exceptional children receive the education to which the law entitles them.

## NEW YORK

### ELIGIBLE HANDICAPPING CONDITIONS

Unusual type of handicap or combination of handicaps; deaf; blind; and deaf-blind.

### QUALIFICATIONS FOR ELIGIBILITY

Children must be of school age and be reasonably likely to benefit from instruction; there must be no adequate public facilities available within the state.

Profoundly deaf and deaf-blind students must be between the ages of three and 21 and must have been residents of New York State for one year. Exceptions to the one-year residency requirements may be made. Legally blind students must be of at least kindergarten age.

## NEW YORK

The district of residence or local board of cooperative services of unusually handicapped children may request from the private school whatever data and/or reports are necessary to determine eligibility for state aid, and may also require the child to report for an evaluation by professional personnel to determine eligibility. Failure to comply with these provisions or failure of the child to appear for evaluations will be a cause for denying approval. Schools must already have state approval.

### REFERRAL PROCESS

Application for instruction for unusually handicapped children must be made to the public school system. State assistance for nonpublic school attendance must be requested by a fixed date for any given semester.

Parents seeking admission of their deaf, blind, or deaf-blind child to state-supported private schools for the blind or deaf must apply to the commissioner of education and complete an appropriate form designated by him prior to applying to any school. The commissioner will then direct the parents to make application to one of the state-supported private schools. That school will be responsible for applying to the commissioner for a state appointment. The commissioner may appoint deaf-blind students to these schools and double state aid may be allowed if these children are receiving services to meet their particular educational needs. Any school which refuses to admit a qualified deaf or blind child must report the child's name to the commissioner, along with its reason for rejecting the child, the school's evaluation record, and its recommendation for placement. With the commissioner's approval, students who have been terminated or refused admission will be referred to a more appropriate agency.

### STATE FINANCIAL ASSISTANCE

The state may pay up to \$2,000 annually for each unusually handicapped child. The child's school district of residence must reimburse the state for the difference between its per pupil expenditure and the usual amount of state aid. The school must use all aid money for expenses related to the educational program and not in excess of \$8,500 for the salary of any one person.

State supported private schools for the deaf, blind, or deaf-blind must report and justify to the commissioner all proposed expenditures for which state aid is requested, as well as all proposed income and expenditures in connection with federally-funded programs. These budget forms must be made out by line item. Budgets approved by the commissioner for a particular school year represent the maximum state support for that year. Each school must limit its items of expenditures and position to those approved by the commissioner. Any transfers between categories of expenditure exceeding 10% of the approved budget authorization or \$1,000 for the school year must have prior approval of the commissioner. Capital outlay for improvements, research activities, and other activities not part of the educational program for state-appointed pupils will not be approved as operating expenses for state aid purposes. However, expenditures for necessary repairs may be approved. All payments made to the state-appointed private schools will be in accordance with actual expenditures incurred during that school year.

## NEW YORK

### LOCATION

Any placements within the continental United States may be approved for unusually handicapped children. Approval of an out-of-state facility is based upon recommendations of the public officials where the school is located.

All other private placements are within the state.

### LOCAL AND STATE MONITORING

The facility for unusually handicapped children must have an adequate and suitable special education program and must have been registered with the department after a site visit to the facility.

The facility must apply for approval by February 1 of the school year for which approval is requested. At this time it must have conducted a suitable special education program for at least one year and must provide data to this fact.

Where other state agencies are involved, any audits conducted by other agencies must be made to the facility upon written request. If the facility is educating ten or more unusually handicapped children who have instructional costs in excess of the state aid allocation, the facility must offer instruction free of any charge over and above the state allocation to at least 10% of such students enrolled there. The local social services or the New York City human resources administrator will determine which of the students are eligible for this free instruction. The facility must also submit an annual financial statement for the previous school year by November 15 of each year. This statement must be prepared by an independent accounting firm and must include information as to all income sources, all expenditures, and the method used to compute actual instructional costs per child.

Except under special circumstances, state-appointed pupils who are deaf, blind or deaf-blind may transfer between state-supported schools only at the end of a school term in January or June upon approval of the commissioner. No undue loss of school attendance is permissible.

Except under special circumstances, these pupils are appointed to the school for the deaf or blind nearest to their place of residence.

A school year must include at least 180 days of instruction. A calendar showing days in session must be submitted to the commissioner for approval.

Attendance of state-appointed pupils may not be terminated until after a five-month trial period. However, a pupil exhibiting behavior dangerous to himself or to others may be suspended before the end of this period, and state aid will be provided if the commissioner's approval is obtained prior to the school's recommendation to terminate.

## NORTH CAROLINA

### ELIGIBLE HANDICAPPING CONDITIONS

Seriously emotionally disturbed, severely learning disabled, visually and/or hearing handicapped and impaired, multiply handicapped, mentally retarded, crippled or other health impaired, exceptionally gifted or talented.



## NORTH CAROLINA

### QUALIFICATIONS FOR ELIGIBILITY

Appropriate education must be unavailable in public schools and the child must be eligible to attend public school if programs were available. The state board may establish other criteria.

### REFERRAL PROCESS

Exceptional children eligible to attend public schools may apply for an educational expense grant through his parent, guardian, or person standing in loco parentis. The application is made to the board of education of the administrative unit of residence. Standard forms prescribed by the state board must be used and signed under oath or affirmation of the child's parent. The application is sent to the state board of education for approval.

### STATE FINANCIAL ASSISTANCE

The state board authorizes educational expense grants covering the cost of tuition, but not exceeding \$1,200 annually. Funds are appropriated by the state assembly but may also be accepted from public or private donors.

### LOCATION

Placements may be made in facilities both in and out of state.

### LOCAL AND STATE MONITORING

The state board establishes criteria to determine which schools an eligible child may attend in order to receive an educational expense grant.

## NORTH DAKOTA

### ELIGIBLE HANDICAPPING CONDITIONS

. Physically handicapped and learning disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Children must be educable and their district of residence must have no public school programs willing to accept the child.

### REFERRAL PROCESS

A qualified psychologist, a medical doctor, and the district superintendent must agree that the child is unable to attend the district schools because of his handicap. The school district may then contract with a private facility.

### STATE FINANCIAL ASSISTANCE

The school district pays to the private school an amount equal to three times the state average elementary or high school per pupil expenditure, depending on whether the child is an elementary high school pupil, but not exceeding the actual per pupil cost incurred by the private school. In lieu of any other state foundation aid the district is reimbursed from state foundation aid funds 60% of its expenditures. If

## NORTH DAKOTA

the attendance of the pupil at the school is for less than a school year, all expenditures and reimbursement will be prorated on a monthly basis.

### LOCATION

Either in-state or out-of-state placements may be authorized.

### LOCAL AND STATE MONITORING

Accredited, nonsectarian, nonprofit schools may be approved. Each contract must be approved by the state superintendent and curriculum must be approved in advance by him also.

## OHIO

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf, blind, emotionally disturbed, crippled, physically handicapped including speech and hearing impaired.

### STATE FINANCIAL ASSISTANCE

District receives in addition to minimum foundation funds an additional reimbursement approved by the state department annually.

### LOCATION

Placements may be made to facilities within the district of residence.

### LOCAL AND STATE MONITORING

Private schools must adhere to public school standards.

## OKLAHOMA

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf, hard of hearing, and deaf-blind.

### QUALIFICATIONS FOR ELIGIBILITY

Local school board determines a child's eligibility.

### STATE FINANCIAL ASSISTANCE

Districts are not reimbursed for educating deaf or hard of hearing children by contract in private schools. The state board may pay up to \$5,000 annually per deaf-blind child.

### LOCATION

Districts may initiate contracts only with school in their district. State boards may contract with either in-state or out-of-state schools for services to deaf-blind children.

## OREGON

### ELIGIBLE HANDICAPPING CONDITIONS

Trainable mentally retarded and deaf-blind.

### QUALIFICATIONS FOR ELIGIBILITY

The trainable must be capable of profiting to a meaningful degree from instruction in self-care, social skills, and simple job and vocational skills.

The deaf-blind must be educable.

### REFERRAL PROCESS

The state board of education arranges programs for deaf-blind children. The mental health division of the Oregon state board of control arranges programs for the trainable mentally retarded.

### STATE FINANCIAL ASSISTANCE

Districts providing programs for the trainable through private contract will be reimbursed by the mental health division for approved costs minus the district's per capita operating costs multiplied by the number of children participating in the classes.

The division of mental health may also contract with private agencies to provide evaluation and diagnostic services for trainable mentally retarded children as well as counseling for the parents of such children.

The state board of education may use appropriated funds to contract with private institutions to educate deaf-blind children.

### LOCATION

Placements may be authorized with facilities both in and out of state.

### LOCAL AND STATE MONITORING

The mental health division in conducting the program for the trainable must determine whether contractors are:

1. financially able to carry on the program under the state reimbursement schedule;
2. offering an adequate program with properly trained personnel;
3. offering facilities that are safe; and
4. complying with all applicable laws and safety regulations.

## PENNSYLVANIA

### ELIGIBLE HANDICAPPING CONDITIONS

Blind, deaf, cerebral palsy and/or brain damage, and/or muscular dystrophy, or socially and/or emotionally maladjusted.

### QUALIFICATIONS FOR ELIGIBILITY

Blind, deaf, cerebral palsied, and/or brain damaged, and/or muscular dystrophied children are eligible for services both before age six and after age 21. Services may

## PENNSYLVANIA

be provided only if the school district or intermediate unit does not or cannot provide an appropriate program.

### REFERRAL PROCESS

Children must be examined by competent medical authorities and a report by a certified school psychologist attesting to the child's educability. Other school reports may be required. The bureau of special education must evaluate and approve all placements with extenuating circumstances.

### STATE FINANCIAL ASSISTANCE

District of residence pays 25% of tuition and maintenance costs; state pays 75%. If the district of residence cannot be determined, the state pays 100%.

Tuition and maintenance must not exceed \$2,310 yearly for socially and/or emotionally disturbed children and \$4,200 for all others. For the parents of blind children under the age of six, the cost of instructing the parent in the care of the child is also included.

The district's share of costs under this section is withheld by the state superintendent for any state aid due to the district. The maximum amount payable for the cost of tuition and maintenance for all children is subject to review at least once every four years for the purpose of recommending any adjustments. To enable the department to determine from time to time the amounts due to the schools, the schools will forward periodically to the department statements including the names, ages, and residences of the pupils specifying the school district liable for part of the per capita cost of and maintenance of the pupil and any other required information.

### LOCATION

Placements may be approved for in and out of state schools as long as Pennsylvania standards are met.

### LOCAL AND STATE MONITORING

Pupils must be grouped according to their basic skills deficiencies and their social and emotional needs. The special education programs must be complemented with supportive services according to the needs of the handicapping condition. Physically handicapped and sensory impaired children shall receive appropriate services according to the specific standards for such impairments. Mentally impaired shall receive appropriate psychotherapeutic services. Class size and age range must conform to the specific special education standards for each exceptionality.

Curriculum must be in accordance with state board regulations with adaptations to the needs, potentialities and degree of involvement of each pupil as described in the specific special education standards for each exceptionality. Each child shall have an educational assessment resulting in an individual prescriptive teaching program which shall be regularly reviewed, evaluated, and modified to provide for the child's educational growth and social and emotional development.

The facilities must meet all state standards, regulations, and laws as well as the private school requirements as specified by the bureau of private academic schools.

## PENNSYLVANIA

Instructional materials, equipment, and supplies must be equivalent to those described in the special education standards for the exceptionality. Teachers, paraprofessional, ancillary and supportive staff must meet special education standards and state board regulations.

Private schools desiring approval must:

1. obtain private school licensure in a specific special education category;
2. submit the school's special education program proposal to the bureau as further delineated in the administrative guidelines;
3. upon program proposal approval, prepare for an on-site visitation by a bureau-selected evaluation team;
4. upon satisfactorily completing the above steps, program approval may be granted for the specified special education category; and
5. each school so licensed and approved shall be operated as a separate and distinct program in accordance with the differentials in payment for tuition or tuition and maintenance.

Approved private schools shall be re-evaluated by a bureau chosen team of professional educators at least once every five years. Upon the request of two or more school districts, a re-evaluation may be made as deemed necessary. An on-site re-evaluation by the team along with the program description shall be the basis for a re-evaluation report. A re-evaluation report shall be filed with the bureau of special education, the bureau of private academic schools, and the private school. Status for the eligibility for a continuation as a state-aided approved private school shall be determined on the basis of this report as being:

1. continued approval;
2. continued approval with qualification; or
3. disapproval.

If the status of the approval is qualified, the private school shall be re-evaluated in terms of the weak areas one year from the beginning of the probationary period. If the status is disapproved, the private school is ineligible for tuition and maintenance payments from that date forward. Re-evaluation of a private school which has disapproval status may be requested from the bureau one year after the disapproval date, provided substantial evidence has been presented to demonstrate that the causes for disapproval have been removed. Prior to an on-site re-evaluation, the private school must submit an up-to-date program description.

### FOLLOWUP RESPONSIBILITIES

The resident school district must receive an annual assessment of each child. The assessment is made by the private school's educational team and must include, when appropriate, a certified public school psychologist's recommendation as to whether the child is benefiting enough from the program to justify continued placement. The assessment must consider the feasibility of different placements.

The resident school district may withdraw a child when the local board considers, based on the continuance evaluation data, that the child has developed the basic skills and/or controls necessary to benefit from a regular school or special school program.

## PENNSYLVANIA

The resident school district is responsible for insuring that the child is provided an education appropriate to his or her mental and physical needs within the public schools as soon as the child can function in the public school program.

## RHODE ISLAND

### ELIGIBLE HANDICAPPING CONDITIONS

Educable mentally retarded, trainable mentally retarded, emotionally handicapped, deaf, hard of hearing, orthopedically handicapped, neurologically impaired, health impaired, aphasic, homebound children, blind and partially seeing.

### QUALIFICATIONS FOR ELIGIBILITY

No appropriate community program is established because of an insufficient number of children.

### REFERRAL PROCESS

Education commissioner recommends children who are blind, deaf, mentally retarded, or emotionally disturbed to the governor who may appoint such children as state beneficiaries to attend schools designed to meet their particular needs if they are educable.

### STATE FINANCIAL ASSISTANCE

State reimburses districts for up to 50% of the cost of transportation and tuition if the program has state board approval.

### LOCATION

Placements may be authorized in schools both in and out of state.

### LOCAL AND STATE MONITORING

Day programs are subject to state board regulations and supervision.

## SOUTH CAROLINA

No provision is made for the placement of handicapped children in private facilities.

## SOUTH DAKOTA

### ELIGIBLE HANDICAPPING CONDITIONS

Emotionally disturbed, mentally retarded, physically handicapped, and learning disabled.

### QUALIFICATIONS FOR ELIGIBILITY

Children without physical handicaps must be examined by a qualified psychological examiner. Physically handicapped children must be evaluated by a physician and must have a statement by the examining physician certifying the disability.

## **SOUTH DAKOTA**

### **REFERRAL PROCESS**

School boards conduct initial evaluations, except in the case of emotionally disturbed children being considered for out-of-state placement. (These children are cooperatively evaluated and placed by the divisions of pupil personnel services and child welfare, and the commissioner of mental health and mental retardation.)

If a child is eligible for special education, the parents should contact the facility where they wish to enroll the child. If the school accepts the child, the school provides forms for approval to the division of pupil personnel services.

### **STATE FINANCIAL ASSISTANCE**

School districts are responsible for an amount not exceeding the legal daily high school tuition rate to the private school which bills the district. The district also pays room and board, not exceeding \$2 daily, if the child is boarded away from home. If the child is transported daily, the district pays transportation costs.

For payments to private schools providing services on a monthly basis, a revolving fund is established by the superintendent in the state treasurer's office. This fund uses appropriated monies for and is reimbursed by the districts for their share of the cost.

The division of pupil personnel services and the local district share the cost of psychological evaluations, the state paying \$15 and the district \$10 of the \$25 fee.

Within one year after the close of the school year, the private school must file its reimbursement claims. The state reimburses the school district for approximately 20% of costs, depending upon appropriated funds.

### **LOCATION**

Pupils may be placed in private facilities out-of-state only if no appropriate facilities are available within the state. Parents should contact the division of pupil personnel services directly if they are seeking out-of-state placement for their child.

No state special education funds may be used for out-of-state placement of emotionally disturbed children for purposes other than education. Children needing out-of-state placement for treatment of an emotional disturbance must be referred to the state commission on mental health and mental retardation for assignment, care and treatment.

### **LOCAL AND STATE MONITORING**

All schools must have state board approval. The state maintains a list of approved in-state facilities. Teachers must meet state board certification standards. The schools must be nonprofit.

### **FOLLOWUP RESPONSIBILITIES**

The private school must notify the division of pupil personnel services if a child is dismissed from its program.

## T E N N E S S E E

### ELIGIBLE HANDICAPPING CONDITIONS

Deaf, psychologically and physically exceptional children who are educable.

### STATE FINANCIAL ASSISTANCE

The state reimburses the school district for excess costs.

### LOCATION

The private facility must be located within the same county as the school district.

### LOCAL AND STATE MONITORING

The authority of the state commissioner of education, the local superintendent and all public school officers must have as board an authority in the private institution as in any school in the county, city, or special school district. The facilities and services of the private institution must meet the minimum state board standards.

The state commissioner is authorized to annually approve all contracts with private institutions and organizations.

### FOLLOWUP RESPONSIBILITIES

School districts must keep complete financial records for use in determining excess costs.

## T E X A S

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally retarded, deaf, physically handicapped, emotionally disturbed, children with language and/or learning disabilities and pregnant girls.

### QUALIFICATIONS FOR ELIGIBILITY

Deaf pupils must be eligible for admission to the state school for the deaf and have no other state-supported program provided or available to the pupil.

Other children must reside with their parents on a day-to-day basis and have been provided with no appropriate program in their school district. Contracting is described as an element in the district's five-year plan for special education.

### REFERRAL PROCESS

The parent of a deaf child must request the contracting services.

### STATE FINANCIAL ASSISTANCE

The state pays the entire cost of the program for a deaf child, but not exceeding the average cost per pupil in county-wide day schools for the deaf, from foundation program funds.

For other disabilities the state reimburses school districts for the average per pupil cost of the preceding year for the specific type of special education services in the school district.

The child's parent or guardian must be charged no additional tuition.



## TEXAS

### LOCATION

Law implies that either in-state or out-of-state placements are authorized if the school has state board approval.

### LOCAL AND STATE MONITORING

Placements may be made only in nonprofit schools which have operated for at least two years. Before approval, all facilities must undergo a site visit by a professional team from the state education agency. Application for approval must be made by November 1. After the site visit, the school, if passed, is approved for one to three years. Institutions not approved may reapply next year if necessary improvements are made, or they may appeal to the division of school accreditation.

Approved schools must annually report to the division of school accreditation. An approved school not contracting for two successive years will be dropped from the approved lists.

Private schools for the deaf must be nonprofit and nonsectarian and must meet standards of education and training and buildings and equipment and facilities equal to those provided by the state school for the deaf. They must have been operated successfully for two or more years.

### FOLLOWUP RESPONSIBILITIES

The school district is responsible for maintaining a pupil eligibility file, for verifying pupil attendance, for negotiating the contract and maintaining fiscal records. Contracts must be negotiated for each pupil by October 15 of each year. The school district must assure that state monies paid to it for contract pupils are used for no other purpose and return any excess to the state education agency. The district must also assure that eligible contract pupils are considered for a special transportation allotment.

## UTAH

### ELIGIBLE HANDICAPPING CONDITIONS

All children with physical or mental handicaps.

### QUALIFICATIONS FOR ELIGIBILITY

Private services may be provided if the provision of special education in the district or in combination with other districts is impossible.

### LOCATION

Law implies that either in-state or out-of-state placements may be authorized.

### LOCAL AND STATE MONITORING

All personnel teaching exceptional children must be certified or must meet state board standards for aides or instructional assistants.

## VERMONT

### ELIGIBLE HANDICAPPING CONDITIONS

Educable mentally retarded, trainable mentally retarded, severely learning disabled, orthopedically handicapped, multiply handicapped, other health impaired, visually handicapped, hearing handicapped, emotionally disturbed, and pregnant.

### QUALIFICATIONS FOR ELIGIBILITY

Pupil must be unable to profit from the instructional procedures of a public school.

### REFERRAL PROCESS

The local superintendent must sign a referral form and forward it to the division of special education. The state commissioner may also obtain services in private facilities.

Within three days after the enrollment of a pregnant girl at the Elizabeth Fund Home an enrollment report is sent to the division of special education and pupil personnel services.

### STATE FINANCIAL ASSISTANCE

When a program is provided by the commissioner, initial costs will be paid by the state board, but the district of residence must reimburse the state for an amount equal to the district's per pupil expenditure for regular education. For children receiving less than a full year of special education, the reimbursement is the average per pupil cost divided by the number of weeks in the school year and multiplied by the number of weeks during the time the child was receiving special education. The amount due the state may be withheld from state aid due the district in December. The expenses of a child who is a ward of a state agency are paid by the agency but not exceeding the average per pupil cost for the preceding school year.

### LOCATION

Placements may be made both in and out of state.

### LOCAL AND STATE MONITORING

Policies and procedures are the same as for public schools.

## WEST VIRGINIA

No provision is made for the placement of handicapped children in private facilities.

## VIRGINIA

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally handicapped, physically handicapped, emotionally handicapped, learning disabled, speech impaired, hearing impaired, and otherwise handicapped.

### QUALIFICATIONS FOR ELIGIBILITY

A local placement committee must identify the student as handicapped. Local

## VIRGINIA

resources must be found inadequate by the superintendent. The child's parent or guardian must authorize the release of all evaluation information to the local school division.

### REFERRAL PROCESS

The parent or legal guardian may appeal a decision concerning tuition assistance by notifying the school board in writing and authorizing the release of evaluation materials to the independent evaluation committee appointed by the local board. The committee has five members including: (a) a trained special educator not employed by the local board; (b) an educator highly trained in the area of the child's handicapping condition not employed by the local board; (c) a representative of a local mental hygiene clinic; and (d) other necessary personnel. The board notifies the parents in writing of the decision based upon the committee's reports.

A parent or guardian dissatisfied with the second decision may appeal to the state superintendent. The parent must give signed permission to the local division for releasing evaluation materials to the evaluation team.

The evaluation team is appointed by the state superintendent and consists of at least five members including representatives from the division of special education, the department of mental hygiene and hospitals, department of health, other appropriate state agencies, and an educator trained in the area of the child's handicapping condition. Findings and recommendations are reported to the state board who in turn notifies the parents in writing of its decision.

Parents or legal guardians must apply on official forms by July 15 for the school year or by January 1 for the second semester.

### STATE FINANCIAL ASSISTANCE

The local division may reimburse parents for 75% of tuition costs not exceeding \$1,000 for a nonresidential placement or \$4,000 for a residential placement. The state reimburses the local division for 60% of its costs up to \$600 for a nonresidential placement and \$2,400 for a residential placement. If state funds are unavailable, the local board reimburses parents for tuition costs equal to the division's per pupil expenditure.

### LOCATION

Placements are permitted in facilities both in and out of state. A list of approved in-state schools is prepared annually by the state department of education. Local districts may request a list of approved out-of-state schools from the division of special education.

### LOCAL AND STATE MONITORING

All schools must be nonsectarian and inspected by the state department of education. Upon approval, the state board issues a nontransferable certificate which must be prominently displayed.

## WISCONSIN

No provision is made for the placement of handicapped children in private facilities.

## WASHINGTON

No provision is made for the placement of handicapped children in private school.

## WYOMING

### ELIGIBLE HANDICAPPING CONDITIONS

Mentally retarded, acoustically handicapped, visually handicapped, physically handicapped, emotionally disturbed, socially maladjusted, learning disabled, combination of the above, and other handicaps.

### QUALIFICATIONS FOR ELIGIBILITY

Placements may be made in private facilities if it is in the best interest of the child.

### STATE FINANCIAL ASSISTANCE

State reimburses district for 50% of its expenditures, but not exceeding 1.5% of district's statutory entitlement; up to \$50 per child for contracted initial diagnosis and evaluation, and on prior approval greater costs for subsequent diagnosis and evaluations.

### LOCATION

In-state placements are preferred, but out-of-state placements may be permitted with the approval of the state board.

### LOCAL AND STATE MONITORING

Personnel must be certificated or under the supervision of certificated personnel. Contracts may be signed with licensed day training facilities. The facility does not have to be nonsectarian. Contract must have prior state board approval if it is over \$100.