



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
District Special Education Directors

FROM: Rebecca C. Davis
Director, Office of Special Education Services

DATE: January 19, 2021

RE: Affirmation of Consultation with Private and Homeschool Representatives

The Individuals with Disabilities Education Act (IDEA) requires each local educational agency (LEA) to effect timely and meaningful consultation with private school representatives prior to implementing Child Find activities to determine the number of parentally-placed students with disabilities attending private schools located in the LEA. Because the state treats students with disabilities in homeschools in the same manner as parentally-placed students with disabilities in private schools, with regard to the provision of special education and related services, homeschool representatives and representatives of parents of students in homeschool programs must be included in the consultation. To ensure meaningful consultation, the LEA must consult with private school and homeschool representatives and representatives of parents of parentally-placed private school students and homeschool students with disabilities during the design and development of special education and related services and any decision that affects the opportunities of eligible private and homeschooled students.

The consultation process must involve discussions on key issues concerning the opportunities for eligible private and homeschooled students to receive special education and related services and provide a genuine opportunity for all parties to express their views and have those views considered. **It is important to have an opportunity for discussion and not to just make a unilateral offer of services by the LEA.** The consultation should occur throughout the school year.

Each LEA must maintain a copy and provide to the South Carolina Department of Education (SCDE) upon request, a written affirmation, signed by representatives of each participating

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private and homeschool and representatives of private and homeschool parents that the required consultation occurred. If representatives of any private or homeschool or representatives of private and homeschool parents do not provide and sign the affirmation within a reasonable period of time, the LEA must forward documentation of the attempts to consult to the SCDE.

To ensure timely and meaningful consultation, an LEA must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the child. This consultation should be completed early enough in the budget planning process to enable the LEA to implement its plan at the beginning of the new fiscal year.

Additional information as well as sample affirmations have been sent to your director of special education services. Please contact us at 803-734- 8224 or by email at specialservicesfdm@ed.sc.gov if you have questions.