

**From:** [Lee, Judy E.](#)  
**To:** [-Grp-NDLA Senate Human Services](#); [Wolf, Sheldon](#); [Lahr, Pat](#); [NDLA, Intern 02 - Pouliot, Lindsey](#)  
**Subject:** FW: private schools and IEPs  
**Date:** Sunday, February 12, 2023 10:29:49 PM  
**Attachments:** [image002.png](#)  
[image005.png](#)

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Information about amendment to 2335.

Senator Judy Lee  
1822 Brentwood Court  
West Fargo, ND 58078  
Home phone: 701-282-6512  
Email: [jlee@ndlegis.gov](mailto:jlee@ndlegis.gov)

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**From:** McCarvel-O'Connor, Mary K. <[moconnor@nd.gov](mailto:moconnor@nd.gov)>  
**Sent:** Thursday, May 19, 2022 2:23 PM  
**To:** Baesler, Kirsten K. <[kbaesler@nd.gov](mailto:kbaesler@nd.gov)>; Lee, Judy E. <[jlee@nd.gov](mailto:jlee@nd.gov)>  
**Subject:** RE: private schools and IEPs

Kirsten,

Even though ISPs are given to a student with a disability in private schools some may not receive an ISP because the LEA is only required to spend a proportionate amount of their IDEA federal funds to provide equitable services for this group. So, when the LEA consults with the private school to determine which services to provide it may not meet the needs of all the students so therefore that student might not receive an ISP.

As far as your question if a private school is required to accept students with learning disabilities, IDEA is silent about this issue. This might fall under Section 504 but I am not sure if all private schools must follow that law or only those who receive some sort of federal funding.

Mary



**Mary McCarvel-O'Connor**  
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**From:** Baesler, Kirsten K. <[kbaesler@nd.gov](mailto:kbaesler@nd.gov)>  
**Sent:** Thursday, May 19, 2022 1:18 PM  
**To:** McCarvel-O'Connor, Mary K. <[moconnor@nd.gov](mailto:moconnor@nd.gov)>; Lee, Judy E. <[jlee@nd.gov](mailto:jlee@nd.gov)>

**Subject:** RE: private schools and IEPs

Mary,

Are private schools **required** to accept students with learning disabilities? And the subsequently provide an ISP?



**Kirsten Baesler**

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**From:** McCarvel-O'Connor, Mary K. <[moconnor@nd.gov](mailto:moconnor@nd.gov)>

**Sent:** Thursday, May 19, 2022 1:08 PM

**To:** Baesler, Kirsten K. <[kbaesler@nd.gov](mailto:kbaesler@nd.gov)>; Lee, Judy E. <[jlee@nd.gov](mailto:jlee@nd.gov)>

**Subject:** RE: private schools and IEPs

Senator Lee,

When parents choose to enroll their child in an approved private school, either nonsectarian or religiously affiliated, the student is placed on an Individualized Service Plan (ISP) rather than an Individualized Education Program (IEP). On the ISP, the student is entitled to some special education and related services provided by the local LEA but not all the services he/she would receive if on an IEP. Please let me know if you have any other questions.

Mary



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**From:** Baesler, Kirsten K. <[kbaesler@nd.gov](mailto:kbaesler@nd.gov)>

**Sent:** Thursday, May 19, 2022 12:22 PM

**To:** McCarvel-O'Connor, Mary K. <[moconnor@nd.gov](mailto:moconnor@nd.gov)>; Lee, Judy E. <[jlee@nd.gov](mailto:jlee@nd.gov)>

**Subject:** FW: private schools and IEPs

Senator Lee,

I believe you are correct that there are no requirements for private schools to offer IEP services, but I include Mary McCarvel-O'Connor on this message to provide confirmation and more information if needed. Mary is the Director of NDDPI's Office of Special Education.



**Kirsten Baesler**

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From: **Lee, Judy E.** <[jlee@nd.gov](mailto:jlee@nd.gov)>

Date: Wed, May 18, 2022 at 5:35 PM

Subject: private schools and IEPs

To: Kirsten Baesler <[baesler.kirsten@gmail.com](mailto:baesler.kirsten@gmail.com)>

Kirsten –

I just got a call from a constituent who is the father of an infant with some significant health issues which may result in intellectual challenges and an IEP, although there is no way to know right now. The little boy and his parents are receiving services through Anne Carlsen Center and others, so all is going fine now.

The father has been reading about the new Capstone Academy here, and the school is now taking names for 4 years out, so he'd like to enroll his baby now for entry down the road. I suggested he find out about pre-K and K, as well as learning more about what services are available in the public schools, because they're pretty darned good. Capstone is planning for 600 students.

He spoke with a Capstone employee who told him that they will not be dealing with IEPs. Along with him, I have concerns about that. I told him that the private school students receive services, including extra-curricular activities, from the public schools, but that he needs to learn more about how Capstone plans to cooperate with the public schools and whether or not they will offer any special services. It does not sound like it, at first blush.

So the question he has that I cannot answer is whether or not there are any requirements for private schools to provide services. I did tell him that private and home school can access services, but I do not know if there is any requirement that they do so.

Can you clarify that for us, please?

Senator Judy Lee

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