

# Children Parentally-Placed In a Private School



If you feel your child would be better served in a private school, you do have the option to place your child there. Under the Individuals with Disabilities Education Act (IDEA) Part B, this is called *“parentally placed.”*

When you choose to put your child in a private school, your child keeps some rights under the IDEA. Your child has a right to what are called **“equitable services,”** and your child also has and keeps eligible rights under additional civil right laws that prohibit discrimination on the basis of disability – Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (Title II).

It is important to understand, however, the school does not have the same requirements or obligations to your child as they would if they were providing the education in a publicly funded school.



Whether you use your own money to pay for the private school, or you use a State-funded School Voucher and Scholarship Programs – to have your child attend a private school, the rules about *“parental placement”* apply.

If your child is found eligible for services under the IDEA and you decide to keep your child as a parentally placed child in a private school, the district is **NOT RESPONSIBLE** for a free and appropriate public education (FAPE) and does not need to develop an Individualized Education Program (IEP) for your child.

The public school district where the private school is located is responsible for determining eligibility and developing the plan for special education services for your child.



## What Responsibilities does the Public School District have when a child is Parentally Placed?

1

They remain responsible for location, identifying, and evaluating all children with disabilities – known as Child Find. The district must do similar screenings or activities that are done for all public-school children to determine if they would benefit from an evaluation.

2

The district must keep a count of how many parentally placed students there are in that county (and Baltimore City) to determine the share of IDEA Part B funds that the district must use each year for special education and services for parentally placed private school children with disabilities.

3

The district is responsible for conducting reevaluations of children with disabilities enrolled by their parents in the private elementary schools and secondary schools located in the district.

- 4 If the parent disagrees with the evaluation conducted by the district, the parent still has the right to request an Independent Education Evaluation (IEE).
- 5 The district must develop, review, and revise a services plan that describes the specific special education and related services that will be provided to the child.
- 6 A services plan should reflect only the services the school district will provide. It must, to the extent appropriate, meet the IEP content requirements contained in the IDEA. The services plan also must, to the extent appropriate, be developed, reviewed, and revised consistent with the IDEA requirements related to the IEP team, parent participation, and when IEPs must be in effect.

**Public school districts are not held responsible for the following services:**



- 7 Special education and related services *may be* provided to private school students at the private school, including religious schools, or at a public school.
- 8 Services *can be* provided by school district personnel or through contracts by the school district with other individuals or agencies.


**What are Equitable Services and How do I Get Them for My Child?**

There must be a documented, ongoing consultation process between the local school district (education agency) and the private school to ensure the provision of equitable services. How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities is determined during the consultation process.



**Keep in mind the following...**

- ★ NO parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. 
- ★ The public school district where the private school is located *may* provide special education and related services, however they are not required to do so.
- ★ They may decide to provide training to employees of private schools, but not provide individual service to students. 

The district has flexibility in how the equitable services funds are used. Examples of what some districts have used funds for include:			
	instructional materials and supplies	workbooks and books periodicals	testing materials
	related service providers (e.g., OT, PT, Speech Therapy, etc.)	paraprofessional support	technology

It is possible that some parentally placed students with disabilities will not receive any services while others will. For those who receive services, the amount and type of services also may differ from the services the student would receive if placed in a public school by the parents or if placed in a private school by a public agency (school district).

## Sources

- [Special Education Rights - Independent Educational Evaluations: What? How? Why? Who Pays? by Wayne Steedman, Esq. - Wrightslaw](#)
- MD House Bill 716 [2021 Regular Session - Fiscal and Policy Note for House Bill 716 \(maryland.gov\)](#)
- Understanding the Evaluation, Eligibility, and Individualized Education Program (IEP) Process in Maryland - [UnderstandingtheIEP July2014.pdf \(ppmd.org\)](#)
- Kern L., & Yell M.L.. (April 2020). [IDEA & Students with Disabilities](#). Eugene, OR: Center on PBIS, University of Oregon.

## Additional Resources

### [Getting Ready for the 2021-22 School Year: FAQs About Testing Children with Disabilities](#)

As children return to school, it is critical that states and districts gather information on what children with disabilities have learned and where they need more support to meet their learning goals. This FAQ from NCEO addresses some common questions and provides links to useful resources.

### [Questions Often Asked by Parents about Special Education Services](#)

This CPIR resource includes answers to 26 questions. To zoom in to those pertaining to evaluation, go to Questions 5 and 6.

### [The School Evaluation Process: What to Expect](#)

(Also available in Spanish: [El proceso de evaluación escolar: En qué consiste](#))

From [understood.org](#), this article is well suited for parents new to the evaluation process, as is the next resource in this list.

### [Understanding Evaluation Results and Next Steps](#)

(Also available in Spanish: [Entender los resultados de la evaluación y los siguientes pasos](#))

### [How to Understand your Child's IEP Evaluations | Preparing for an IEP Eligibility Meeting](#)

Definitely well suited for families new to the special education process and for all who are understandably baffled by the meaning of the data! Includes a 38-minute video.