

School District Considerations for Parentally-Placed Private School Children with Disabilities

The Individuals with Disabilities Education Act (IDEA) defines “parentally-placed private school children with disabilities” to mean children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school or secondary school. (34 C.F.R. § 300.130) This document is intended as a checklist of things for school districts to think about with regard to parentally-placed private school children with disabilities residing within the district’s boundaries.

1. Child Find Responsibilities for Parentally-Placed Private School Children with Disabilities

Public education agencies have an affirmative, ongoing obligation to locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools. 34 C.F.R. § 300.130

a. Child Find Responsibilities:

- ✓ The school district where the **non-profit private school is located** is responsible for locating, identifying, and evaluating parentally-placed private school children suspected of having a disability who attend non-profit private schools located within the district’s boundaries, even if they reside in another state; and,
- ✓ The school district **of residence** has Child Find responsibilities for:
 - Homeschooled children,
 - Parentally-placed private school students who attend **for-profit** private schools located outside of district boundaries, and
 - Parental requests that the district of residence conduct an evaluation.

b. Child Find Procedures:

- ✓ Provide similar activities as those undertaken for public school students to locate, identify, and evaluate children suspected of having a disability.
- ✓ Carry out activities to ensure parents and private school teachers and administrators are informed of the process.
- ✓ Conduct a thorough and complete Child Find process in a timeframe that is comparable to that done for public school children.

2. Equitable Services for Parentally-Placed Private School Children with Disabilities 34 C.F.R. § 300.134:

- a. School districts must design the Child Find process to ensure the equitable participation of parentally-placed private school children with disabilities in the program under Part B of the IDEA that provides them with special education and related services described in 34 C.F.R. §§ 300.137 through 139.
- b. Students placed by their parents in for-profit private schools are not included in the proportionate share calculation and are not eligible for equitable services. ([Letter to Chapman](#))
- c. School districts must determine the number of parentally-placed private school children with disabilities attending private schools located in the boundaries to be used in the calculation of proportionate share under 34 C.F.R. § 300.133.
- d. School districts must complete timely and meaningful consultation with private school representatives and representatives of parents of private school children with disabilities, including those who are homeschooled. This consultation should include a discussion regarding:
 - ✓ The Child Find process and how private school students suspected of having a disability can participate equitably throughout the school year;
 - ✓ How parents, teachers, and private school officials will be informed of the process; and,

- ✓ How, where, and by whom special education and related services will be provided (including the types of services, alternate service delivery options, and service delivery if funds are insufficient to serve all children).
 - Decisions about services must not occur in advance of, or in the absence of, timely and meaningful consultation.
 - Child Find costs, including evaluations, may not be considered to determine if the PEA spent an appropriate amount to provide special education services and related services. 34 C.F.R. §300.131(d)
 - School Districts must develop and implement a services plan for each private school student with a disability who has been designated to receive equitable special education and related services.
- e. Further guidance is available at <http://www.azed.gov/specialeducation/operations>.

3. Data Management:

- a. After timely and meaningful consultation, school districts must submit annually an accurate number of parentally-placed private school students with disabilities, including homeschooled children, attending private schools located within its boundaries; including, the number of
 - (1) children evaluated,
 - (2) children determined to be children with disabilities, and
 - (3) children served.
- b. Further guidance is available at www.azed.gov/specialeducation/data-management.

Addendum:

1. Individuals with Disabilities Education Act (IDEA '04) (<https://sites.ed.gov/idea>)
 - Child Find – 34 C.F.R. § 300.111
 - Parentally-Placed Private School Children with Disabilities – 34 C.F.R. §§ 300.130 through 300.144
 - Children who live out of state – 34 C.F.R. § 300.131 (f)
2. Office of Special Education Programs (OSEP) Guidance Letters and Documents (<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/index.html>)
 - For-profit private schools – *Letter to Chapman*, 49 IDELR 163 (OSEP 2007) (<https://goo.gl/XshDVh>)
 - Parental request for district-of-residence evaluation – *Letter to Eig*, 52 IDELR 136 (OSEP 2009) (<https://goo.gl/m1SSCx>)
 - *Q & A on Serving Children with Disabilities Placed by Their Parents in Private Schools* (OSEP, 2011) (<https://goo.gl/QkpUiz>)
3. Arizona Revised Statute (A.R.S.) (www.azleg.gov/arsDetail/?title=15)
 - Private preschools do not meet the state definition of elementary grades – § 15-101(12); therefore, children in a private preschool program are not considered parentally-placed private school children with disabilities – 34 C.F.R § 300.13
 - Homeschooled students are considered private school students – § 15-763(C)
4. Arizona Administrative Code (A.A.C.), Title 7 (<https://azsos.gov/rules/arizona-administrative-code>)
 - Child Identification and Referral – R7-2-401(D)

Visit the ESS/AZ FIND website for additional Child Find requirements, a PowerPoint training, screening and referral information, public awareness materials, sample forms and letters, and an informative blog.

www.azed.gov/specialeducation/az-find