

State Education Agency Self-Assessment

Children with Disabilities Enrolled by Their Parents in Private Schools



INTRODUCTION

The purposes of the Individuals with Disabilities Education Act (IDEA) include ensuring all children with disabilities have available to them a free appropriate public education (FAPE), protecting the rights of children with disabilities and their families, and assisting education agencies to provide for the education of all children with disabilities (20 U.S.C. 1400(d)). Therefore, it provides benefits and services to children with disabilities in public schools and also requires local education agencies (LEAs) to provide for the equitable participation of children with disabilities enrolled by their parents in nonpublic (private) schools in special education and related services under IDEA (34 CFR §§300.130-144).

An LEA's obligations to provide equitable services¹ to parentally-placed private school children with disabilities are different from its responsibilities to children enrolled in public schools or placed in a private school at public expense by a public agency (rather than by parents). Parentally-placed private school children with disabilities do not

have the individual entitlement to FAPE and special education services they would receive if they were enrolled in a public school. However, each LEA is required to determine the number of eligible children with disabilities enrolled by their parents in private schools located within their jurisdiction; calculate a proportionate share amount of IDEA Section 611 (age 3-21) funds and Section 619 (age 3-5) preschool funds; and, in ongoing consultation with private school representatives and representatives of parents of parentally-placed children with disabilities, expend a proportionate share of its IDEA Part B federal funds to provide equitable services to parentally-placed private school children with disabilities.

State education agencies (SEAs) are required to ensure that LEAs meet both the programmatic and fiscal requirements of IDEA related to the equitable service provision for parentally-placed private school students. While the state may calculate proportionate share amounts on behalf of LEAs, it is critical for SEAs to have clearly defined procedures and guidance in place to promote LEA

compliance and a system for technical assistance, oversight, and monitoring because the implementation of the equitable services requirements most often takes place at the local level.

This self-assessment contains checklists to guide an SEA through an evaluation of the information it makes available to its LEAs through written guidance, technical assistance, and monitoring activities. The self-assessment also includes reflection prompts for examining the role of both the SEA and the LEA in ensuring IDEA's equitable services requirements are met and identifying potential areas for improvement. It is organized into seven topical areas: Child Find, Annual Child Count, Proportionate Share of Funds, Consultation, Equitable Services, Dispute Resolution, and Communication and Coordination.

¹ Note: This Self-Assessment is specific to the requirements under Part B of IDEA. There are also provisions under the Elementary and Secondary Education Act (ESEA) for the equitable participation of children attending private schools, separate and apart from IDEA. Meeting the ESEA requirements does not satisfy IDEA requirements. States may choose to coordinate IDEA efforts with ESEA activities but must ensure that both IDEA and ESEA requirements are met.

I. Child Find (see 34 CFR §§300.130-131 & 300.111) and Evaluation (see 34 CFR §§300.112)

Self-Assessment Questions

Response & Evidence

<p>1. How does your state’s process for conducting child find ensure child find activities for children enrolled by their parents in private schools (see 34 CFR §§300.131 & 300.111)?</p> <ul style="list-style-type: none"> • How does your state inform LEAs that requirements for conducting child find include conducting child find for children enrolled by their parents in private schools located in their jurisdictions? 	
<p>2. How does your state: (a) inform LEAs that funds expended for child find activities including evaluation may not be counted toward proportionate share expenditures; and (b) monitor for compliance (see 34 CFR §300.131(d))?</p>	
<p>3. How does your state: (a) inform LEAs that child find activities and timelines in private schools must be comparable to child find activities and timelines in public schools; and (b) monitor for compliance (see 34 CFR §300.131(c))?</p>	
<p>4. How does your state communicate requirements related to the initial evaluation and reevaluation of parentally-placed private school students to LEAs or other responsible offices (see 34 CFR §§ 300.301 & 300.303)?</p> <ul style="list-style-type: none"> • How does your state provide guidance for monitoring initial evaluation and reevaluation timelines? • How does your state ensure data are collected and reported through monitoring or data collection mechanisms for Indicator 11 of the State Performance Plan/Annual Performance Report (SPP/APR) on initial evaluations conducted for parentally-placed private school children? 	

Self-Assessment Questions

Response & Evidence

<p>5. How does your state inform LEAs that any child enrolled by his or her parents in a private school located within its jurisdiction is eligible for child find regardless of the state or district in which the child resides (see 34 CFR §300.131(f))?</p>	
<p>6. Does your state include children with disabilities who are home-schooled in its definition of parentally-placed private school children with disabilities?</p> <ul style="list-style-type: none"> • Where is that definition located? • How does your state direct LEAs to include home-schooled children in its child find efforts along with other parentally-placed private school children? • Does your state’s written guidance clarify if home-schooled children enrolled in a public school for the purpose of taking some academic courses would be treated as parentally-placed private school children entitled to be considered for equitable services? 	
<p>7. Does your state include preschools in the definition of elementary schools?</p> <p><i>If yes:</i></p> <ul style="list-style-type: none"> • Where is that definition located? • If the definition of elementary schools includes preschool children, how does your state ensure children placed in private schools by their parents are included in child find activities? 	

Recommendations for Improved Practice

- Provide sample letters/forms/procedures to LEAs.
- Incorporate monitoring child find and evaluation efforts for parentally-placed private school children into routine child find monitoring activities.
- Make information about child find requirements more easily accessible to LEAs.
- Inform private schools directly about child find processes.

II. Annual Child Count (see 34 CFR §§300.132 & 300.133(c))

Self-Assessment Questions

Response & Evidence

<p>1. How does your state ensure and verify that all children with disabilities enrolled in private elementary and secondary schools operating within an LEA's jurisdiction are captured in each LEA's annual child count?</p> <ul style="list-style-type: none"> • What guidance has your state provided to LEAs on how they can obtain a current list of private schools operating within their jurisdictions? • What guidance has your state provided to LEAs on efforts to continuously engage with private schools that may not have actively engaged with the LEA in the past (e.g. student referral process and outreach, inviting a representative from the private school to participate in the district's consultation process, etc.)? 	
<p>2. If your state includes children with disabilities who are home-schooled in its definition of parentally-placed private school children with disabilities, how does your state direct LEAs to count and document home-schooled children?</p>	
<p>3. As part of your process for collecting data required under Part B of IDEA, what guidance, tools, and resources does your state provide to LEAs to ensure each LEA:</p> <ul style="list-style-type: none"> • Obtains and reports a count of parentally-placed private school children with disabilities attending private schools in the LEA. NOTE: This count must be conducted between October 1 and December 1 (see 34 CFR §300.132(c)(1)(ii)); • Reports the number of children attending private schools in the LEA that were evaluated by the LEA (see 34 CFR §300.132(c)(1)); • Reports the number of children determined by the LEA to be children with disabilities (see 34 CFR §300.132(c)(2)); and • Reports the number of children served (see 34 CFR §300.132(c)(3)). 	

NOTE: These data reflect the number of children in the LEA that are provided special education and related services through services plans in accordance with 34 CFR §300.138(b). An LEA is not required to provide equitable services to each eligible parentally-placed child with a disability in a private school. The number of children served may be fewer than the number of eligible parentally-placed private school children with disabilities.

Recommendations for Improved Practice

- Provide an updated private school directory to LEAs annually.
- Provide LEAs a link to the NCES private school locator. Please note, the data included by NCES are submitted voluntarily so they may not be comprehensive.
- Provide a reporting template to LEAs.
- Incorporate annual private school child count data into grant application and monitoring activities.
- Recommend documentation an LEA could maintain to demonstrate it is collecting an accurate and complete count of parentally-placed private school children with disabilities.
- Collect or request LEAs maintain additional data including:
 - » Number/proportion of private school students evaluated annually.
 - » Number/proportion of students receiving equitable services in each private school.
- Examine trend data to inform program improvement and identify unexpected changes (for example providing three children services one year and none the next).

III. Proportionate Share of IDEA Funds (see 34 CFR §300.133 and Appendix B to Part 300)

Self-Assessment Questions

Response & Evidence

<p>1. Does your state calculate proportionate share amounts on behalf of LEAs?</p> <ul style="list-style-type: none"> • If yes, how and when does your state inform LEAs of the proportionate share of Part B Section 611 and Section 619 funds to be spent? • If no, what guidance has your state provided to LEAs on how to calculate proportionate share? 	
<p>2. What is your state’s process for including, or verifying that LEAs include, all children with disabilities aged 3 through 21 who are enrolled by their parents in private schools, including home-schooled children as applicable, when calculating the proportionate share amount for IDEA Part B Section 611 funds (see 34 CFR §300.133(a)(1)?</p> <ul style="list-style-type: none"> • How does your state verify that LEAs use the count of all parentally-placed private school children with disabilities, including those evaluated, determined eligible including those who are eligible and not currently receiving services? 	

Self-Assessment Questions

Response & Evidence

3. What is your state's process for including, or verifying that LEAs include, all children with disabilities aged 3 through 5 who are enrolled by their parents in private schools, including home-schooled children as applicable, when calculating the proportionate share amount for IDEA Part B Section 619 funds?

- How does your state verify that five-year-olds in Kindergarten are counted and included?
- How does your state verify that LEAs are using the count of all parentally-placed private school children with disabilities, including those evaluated, determined eligible including those who are eligible and not currently receiving services?

4. What tools or guidance does your state provide to LEAs to assist in the tracking and oversight of proportionate share funds?

- What guidance does your state provide on the allowable use of IDEA Part B proportionate share funds?
- How are proportionate share funds or expenditures tracked separately from other IDEA Part B funds or expenditures?

5. How does your state monitor the timely expenditure of proportionate share funds?

- What reports does your state run to examine the rate at which LEAs are using proportionate share funds?
- What actions does your state take if an LEA does not appear to be using its proportionate share funds?
- What guidance does your state provide to LEAs to ensure unexpended proportionate share funds are carried over through the period of availability (see 34 CFR §300.133(a)(3))?

Self-Assessment Questions

Response & Evidence

6. What tools or reports does your state use to ensure the allowable use of proportionate share funds?
- How does your state determine whether proportionate share costs are allowable (e.g., review sample of expenditures, require submission of expenditure reports, other)?
 - Does your state's timeline for reviewing expenditures allow for correction within the period of performance if the LEA's initial costs are not allowable?

7. What does the state do to monitor the regular use of proportionate share funds to ensure that all funds are drawn down for its intended purpose within the period of performance?
- When an LEA does not draw down at a rate that will result in the expenditure of all proportionate share funds, what evidence does your state require to verify that the LEA is in compliance with the child find, consultation, and other requirements related to parentally-placed private school children with disabilities in 34 CFR §§300.129 through 300.144?
 - What guidance does your state provide to LEAs about when and how unexpended proportionate share dollars may be reallocated to other allowable expenses under IDEA (see OSEP Letter to Andrejack and OSEP Q&A document, Question H-5), including the circumstances under which the funds may be spent on other allowable expenses and any associated timelines?

Self-Assessment Questions

Response & Evidence

8. How does your state ensure that any state or local funds expended to provide services to parentally-placed private school children with disabilities are in addition to, and not instead of, the proportionate share of IDEA Part B (Section 611 and Section 619) funds? (see 34 CFR §300.133(d))?
- May LEAs use state special education funds to provide services to parentally-placed private school children with disabilities in your state?
 - What guidance does your state provide to LEAs about IDEA’s “supplement and not supplant” requirement related to proportionate share?
 - What tools are available to the state and LEAs for tracking expenditure of state and local funds on services to parentally-placed private school children with disabilities to ensure the amounts are in addition to, and not instead of, the required proportionate share amount?

Recommendations for Improved Practice

- Develop tracking templates and calculation formulas for LEAs to use.
- Calculate proportionate share amounts on behalf of LEAs.
- Create a separate object code to help LEAs track the drawdown of proportionate share funds.
- Create separate tracking for expenditure of additional state and local funds used to provide services to parentally-placed private school children with disabilities.
- Incorporate appropriate expenditure verification of proportionate share funds into fiscal monitoring activities.
- Incorporate monitoring the use and draw down of proportionate share funds in the state’s subrecipient monitoring procedures to ensure the use and allowable use of funds.
- Review past monitoring and audit findings to inform technical assistance and training.
- Build LEA capacity to correctly calculate proportionate share amounts, effectively track the expenditure of these funds, and document allowable uses of funds.
- Prior to allowing use of proportionate share funds for other IDEA expenses, verify LEA compliance by interacting with private schools and families of parentally-placed private school students as well as the LEA.

IV. Timely and Meaningful Consultation (see 34 CFR §§300.134-135)

Self-Assessment Questions

Response & Evidence

<p>1. What written guidance is available to LEAs that defines and sets expectations for timely and meaningful consultation?</p> <ul style="list-style-type: none">• How does your state define meaningful and timely?• How does your state define the consultation process and how it will operate throughout the school year?	
<p>2. What written guidance is available to LEAs on the required consultation participants: representatives of private schools and representatives of parents of children with disabilities attending private schools, including home-school parents as appropriate (see 34 CFR §300.134(c))?</p>	
<p>3. How does your state ensure, through technical assistance and monitoring, that representatives of parents of children with disabilities attending private schools, including home-school parents as appropriate, are included in a consultation process that is timely and meaningful (see 34 CFR §300.134(c))?</p>	

Self-Assessment Questions

Response & Evidence

4. How does your state ensure, through technical assistance and monitoring, that the timely and meaningful consultation process includes each of these required components (see 34 CFR §300.134):

- The child find process, including equitable participation and communication with parents, teachers, and private school officials about the process?
- The amount of proportionate share funds available and how the amount was calculated?
- How, where, and by whom could special education and related services be provided for parentally-placed private school children with disabilities:
 - » The types of services, including direct services and alternate service delivery mechanisms; and
 - » How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and
 - » How and when those decisions will be made?

5. How do LEAs obtain and maintain written affirmation by the representatives of participating private schools that the meaningful consultation has occurred (see 34 CFR §300.135)?

- What documentation does your state require an LEA submit about the meaningful consultation process if private school representatives do not provide written affirmation in a reasonable period of time?
- How does your state define “a reasonable period of time?”
- How does your state collect and verify the accuracy of written affirmations that a private school did not engage in meaningful consultation?

Self-Assessment Questions

Response & Evidence

6. What is your state's guidance about how LEAs are to provide a written explanation to private school officials if the LEA disagrees with the views of the private school officials on the provision of services or types of services (see 34 CFR §300.134(e))?

Recommendations for Improved Practice

- Provide sample letters/forms/procedures for LEAs, including templates for the explanation of the reasons why the LEA chose not to provide services or the types of services when the LEA disagreed with the views of the private school officials (see 34 C.F.R. § 300.134(e)) and for documentation of the consultation process.
- Create sample scripts for consultation meetings.
- Engage LEAs, parents of parentally-placed private students, and private school representatives in joint training on meaningful consultation.
- Clearly communicate your state's expectations for "a reasonable time" period to provide documentation of the consultation process when the private school representatives have not provided written affirmation. (see 34 CFR §300.135(b)).
- Develop procedures for reviewing the LEAs consultation documents once transmitted to the SEA.
- Provide information about any remaining proportionate share funds remaining in a carryover year and strategize about how to spend down those funds as well as newly available funds.
- Evaluate compliance and the level of engagement conducted as part of consultation through monitoring activities. (e.g., surveys, focus groups, etc.)
- Develop guidelines for consultations that are accessible and effective at reaching those that need the information.
- Provide training on facilitating and examples of effective consultation, including virtual consultation.
- Train LEA staff on alternative dispute resolution principles to assist in resolving differences.
- Spotlight best practices in consultation.
- Offer assistance from the state in facilitating consultation meetings where the LEA anticipates conflict.

V. Equitable Services (see 34 CFR §§300.137-139 & 300.141-144)

Self-Assessment Questions

Response & Evidence

<p>1. How does your state communicate to LEAs about their obligation to ensure that equitable services are provided to children with disabilities enrolled by their parents in private schools even though such students do not have an individual entitlement to receive special education and related services? (see 34 CFR §300.137(a))?</p>	
<p>2. How are LEAs and private schools informed that the LEA has the authority to make final decisions with respect to equitable services once timely and meaningful consultation has occurred (see 34 CFR §300.137(c))?</p>	
<p>3. How has your state communicated to LEAs and private schools the factors that should be considered in the consultation process (e.g., needs of students, eligibility, amount of available funding), as well as factors that may not be used to limit the provision of equitable services (e.g., costs related to transportation, child’s district of residence)?</p>	
<p>4. What guidance or tools does your state provide to LEAs detailing the requirements for services plans including:</p> <ul style="list-style-type: none"> • The specific components that must be included in a services plan (see 34 CFR §300.138(b))? • The process to develop, review, and revise services plans (see 34 CFR §§300.137(c)(1) & 300.138(b))? • Who must be present or participate in the development of a services plan (see 34 CFR §300.137(c)(2))? 	
<p>5. Does your state provide guidance on the type of documentation an LEA can accept to establish a child’s eligibility for equitable services if the child has been evaluated by another LEA?</p>	

Self-Assessment Questions

Response & Evidence

<p>6. How does your state: (a) provide guidance to LEAs on providing services in the private school or other locations; and (b) verify the locations of services, including for home-school students if appropriate (see 34 CFR §300.139)?</p>	
<p>7. What guidance has your state provided to LEAs on the allowable use of transportation to support student access to equitable services, including for home-school students, if appropriate, and that the costs of those services can be counted toward meeting the proportionate share requirement (see 34 CFR §300.139(b))?</p>	
<p>8. How has your state instructed LEAs to treat property, equipment, and supplies purchased for the provision of equitable services (see 34 CFR §300.144)?</p> <ul style="list-style-type: none">• What documentation would the state expect an LEA to maintain to show that the equipment and supplies placed in a private school are used only for Part B purposes; and can be removed from the private school without remodeling the private school facility?	
<p>9. How does your state: (a) provide guidance to LEAs on the use of public and/or private school personnel to provide equitable services; and (b) verify that personnel are used appropriately (see 34 CFR §300.142)?</p>	
<p>10. How does your state verify that LEAs ensure that proportionate share funds do not benefit the private school (see 34 CFR §300.141)?</p>	
<p>11. How does your state provide guidance on the provision of services once an LEA has expended the required amount of its proportionate share?</p>	

Recommendations for Improved Practice

- Provide a services plan template, sample letters, forms, and procedures.
- Describe how the state incorporates the development of services plans and delivery of equitable services into monitoring activities.
- Describe the mechanisms for ensuring LEAs are informed about the requirements for the provision of equitable services.
- Collect and analyze data on equitable services provided and any service delivery patterns.
- Request input from private schools and parents on location of services and services received.

VI. Dispute Resolution (see 34 CFR §§300.136 & 300.140)

Self-Assessment Questions

Response & Evidence

<p>1. How does your state ensure private school representatives and parents who place their children with disabilities in private schools, including home schools, as appropriate, are informed about their limited dispute resolution options?</p>	
<p>2. What guidance has your state made available to private school officials on how to file a complaint with the SEA when they believe that the LEA has not met its obligation for timely and meaningful consultation or did not give consideration to the views of the private school official (see 34 CFR §300.136)?</p> <ul style="list-style-type: none"> • What are your state’s procedures if you receive a complaint from a private school official (see 34 CFR §300.136)? 	
<p>3. What guidance does your state provide to parents of parentally-placed private school children with disabilities and other interested stakeholders on how to file a complaint with the SEA under IDEA regarding alleged violations of 34 CFR §300.132-135, such as the failure to implement the services in a child’s services plan (see 34 CFR §300.144)?</p> <ul style="list-style-type: none"> • What are your state’s procedures to resolve state complaints filed on behalf of a parentally-placed private school child pursuant to 34 CFR §§300.151 through 300.153? 	

Self-Assessment Questions

Response & Evidence

4. Does your state provide information to LEAs, parents of parentally-placed private school children, and other interested parties about how to file a due process complaint about child find (see 34 CFR §300.140(b))?

Recommendations for Improved Practice

- Provide direct outreach to private schools with information about IDEA's dispute resolution procedures available to parents of children placed in private schools by their parents, including home school parents, if appropriate.
- Provide sample letters/forms to LEAs, private schools, parents, and other interested stakeholders.
- Incorporate dispute resolution requirements for parentally-placed private school children with disabilities into monitoring activities.
- Solicit feedback from private school stakeholders on the consultation process and child find processes.
- Integrate information obtained through any state complaints and due process hearings that involve parentally-placed private school children with disabilities into the state's oversight of the involved LEA(s).
- Describe the mechanisms for ensuring LEAs, private schools, and parents are informed about the IDEA's dispute resolution requirements.
- Determine whether the state's mechanisms for ensuring LEAs are informed about the requirements concerning IDEA's dispute resolution options are accessible and effective at reaching individuals who need the information.

VII. Coordination and Communication (Suggested not required)

Self-Assessment Questions

Response & Evidence

1. How do fiscal, data, and programmatic divisions or offices under special education in the state coordinate monitoring activities for parentally-placed private school children with disabilities?

- How does your state ensure that each monitoring effort (fiscal, data, and program) informs the others?
- How does your state streamline data collection mechanisms?
- How does your state ensure consistent communication to LEAS about priorities and requirements across divisions or offices?

Self-Assessment Questions

Response & Evidence

2. How does your state coordinate activities related to private school students between divisions or offices?
- How does the state understand the differences and overlap of equitable services requirements across different programs? Are overlapping requirements and responsibilities documented?
 - How does special education communicate with those responsible for administering ESEA to streamline communication and coordinate monitoring activities for equitable services where overlap exists and distinguish between requirements that are different from IDEA?
 - How does special education communicate with teams responsible for administering other grants and programs to private schools?

Reflections & Recommendations for Improved Practice

- Facilitate regular meetings across divisions and program offices to coordinate activities related to private school students.
- Determine required activities across offices and divisions to identify (a) differences among program requirements, including IDEA; (b) overlap of activities; and (c) where data collection and communication can be streamlined.
- Clearly define roles and responsibilities, timelines, and assigned staff within policies and procedures.

Resources Related to Children with Disabilities Enrolled by their Parents in Private Schools

OSEP Policy Letters

OSEP Letter to Andrejack (June 1, 2010) addresses when an LEA may allocate unspent proportionate share dollars to other allowable special education expenditures.

<https://www2.ed.gov/policy/speced/guid/idea/letters/2010-2/andrejack060110useoffunds2q2010.doc>

OSEP Letter to Apostle (August 8, 2012) addresses the LEA's responsibility for providing equitable special education and related services to parentally-placed private school children with disabilities when such children enroll in the private school after the child find process has occurred and the proportionate amount for the school year has been determined.

<https://sites.ed.gov/idea/idea-files/policy-letter-august-8-2012-to-alex-p-apostle/>

OSEP Letter to Chambers (December 16, 2017) addresses whether LEAs are required to provide transportation services to parentally-placed private school children to locations outside the LEA's geographic boundaries, including across state lines.

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/letter-to-chambers-12-27-2016.pdf>

OSEP Letter to Goodman (August 23, 2016) provides clarification regarding the calculation of the proportionate share of IDEA funds that must be used by an LEA to provide special education and related services to parentally-placed private school children with disabilities when that LEA is required to reserve a portion of its IDEA funds to provide comprehensive coordinated early intervening services (CEIS) because it has been identified with significant disproportionality. The letter also clarifies that reimbursements available from other Federal funding sources may not be used to offset or reduce the proportionate amount of IDEA Part B funds that the LEA is required to expend on equitable services. (see 34 C.F.R. §300.133).

https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_osep-letter-to-goodman-private-school-children8-23-16.pdf

OSEP Letter to Inzelbuch (November 23, 2015) provides clarification that it would be inconsistent with IDEA for an LEA to unilaterally dedicate a portion of its proportionate share funds to carry out the terms of a settlement agreement regarding the provision of services to a particular student with a disability without complying with the consultation requirements of 34 CFR §300.134.

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/15-011136-nj-inzelbuch-equitable-services-11-10-15.pdf>

OSEP Letter to Radziwill (September 8, 2017) addresses what constitutes meaningful consultation under 34 CFR §300.134 and the definition of “representatives of parents of parentally-placed private school children with disabilities” that must be included in the consultation required by 34 CFR §300.134.

<https://sites.ed.gov/idea/files/osep-letter-to-radziwill-09-8-2017.pdf>

OSEP Letter to Sarzynski (July 6, 2015) and OSEP Letter to Corwell (February 4, 2013) address an LEA's obligation to carry out child find responsibilities in 34 CFR §300.131(f) related to out-of-state and out-of-country students (e.g., international students with disabilities enrolled in private elementary schools or secondary schools that meet the definitions in 34 CFR §§300.13 and 300.36, respectively). OSEP explains that, neither IDEA nor its implementing regulations distinguish between parentally-placed private school children with disabilities whose parents reside in other countries and those whose parents reside in the United States, with respect to the requirements in 34 CFR §§300.130 through 300.144.

<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/sarzynski070615parentallyplacedprivateschool3q2015.pdf>

<https://sites.ed.gov/idea/idea-files/policy-letter-february-4-2013-to-dr-george-v-corwell/>

OSEP Letter to Sutton and Rubel (September 29, 2014) addresses whether other children in the private school may derive benefits that are incidental to the LEA's provision of IDEA Part B-funded special education and related services to those parentally-placed private school children with disabilities designated to receive services under IDEA.

<https://sites.ed.gov/idea/idea-files/policy-letter-september-29-2014-to-sam-sutton-and-david-rubel/>

Additional U.S. Department of Education Resources

Questions and Answers on Serving Children with Disabilities Placed in Private Schools by their Parents (April 2011) – compilation of questions and answers related to the consultation process, child find and evaluations, equitable services, provision of services to parentally-placed private school children with disabilities, services plans, location of services and transportation, expenditures, home-schooled children with disabilities, among others. Please note that the section on “Highly Qualified Teachers in Private Schools” does not reflect changes resulting from ESSA. The applicable requirements for private school teachers can be found in 34 CFR §§300.138(a) and 300.156.

https://sites.ed.gov/idea/files/Private_School_Q_A_April_2011_1.pdf

OSEP Letter to Wayne (January 29, 2019) addresses an LEA's obligation to offer FAPE in subsequent years if, after FAPE is made available to the child – the parent does not disagree with the LEA's offer of FAPE and makes clear the child will continue attending the private school – and the parent does not contact the LEA and request FAPE for the child.

<https://sites.ed.gov/idea/idea-files/osep-letter-jan-29-2019-to-wayne/>

Questions and Answers on IDEA Part B Dispute Resolution Procedures (July 2013) – addresses when IDEA permits parents of parentally-placed private school children to use IDEA's state complaints, mediation, and due process procedures.

<https://sites.ed.gov/idea/idea-files/osep-memo-and-qa-on-dispute-resolution/>

IDEA Statute (online) and Electronic Code of Federal Regulations:

<https://sites.ed.gov/idea/statuteregulations/>

Office of Non-Public Education:

<https://www2.ed.gov/about/inits/ed/non-public-education/idea.html>

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