

Questions and Answers Regarding Parentally Placed Students in Private Schools

1. Did the Reauthorization of the Individuals with Disabilities Education Act (“IDEA 2004”) change the federal law regarding the responsibility for the provision of special education services to students with disabilities *placed by their parents in private elementary and secondary schools* where a free, appropriate public education (“FAPE”) is not at issue?

YES. IDEA 2004, the reauthorization of the federal special education law, which went into effect July 1, 2005, has changed the town of responsibility for the provision of special education services to students with disabilities *placed by their parents in private elementary and secondary schools* where FAPE is not at issue (see question No. 2).

*The law has **not** changed regarding the responsibility for the provision of special education services to students with disabilities placed in private schools by their local school districts; If the local school district (town of residence of the student) places a student with disabilities in a private school, the local school district (town of residence) remains responsible for the provision of special education services to that student.*

2. How has the law changed?

Prior to IDEA 2004, the student’s town of residence was responsible for the provision of special education services to a student with disabilities placed by his or her parents in a private school no matter where the private school was located. **IDEA 2004 has changed this requirement: The responsibility for the provision of special education services to students with disabilities placed by their parents in private elementary and secondary schools now lies with the school district in which the private school is located.**

3. How does this change in the law affect children attending private prekindergarten programs?

Private prekindergarten programs are *not* considered private schools for purposes of this change in the law *unless* such private prekindergarten program is part of a private school that *also* offers education in any grade from kindergarten through Grade 12. The town of residence remains responsible for the provision of special education services to children who attend private prekindergarten programs that *do not also* offer education in any grade from kindergarten through Grade 12. The parents of young children who are transitioning from the Birth to Three System and who also attend a private prekindergarten program may be uncertain as to whether they will be seeking FAPE from their town of residence or a services plan from the school district in which the private school is located. Therefore, for these children it is recommended that the Birth to Three service provider notify both the town of residence *and* the town in which the private prekindergarten program is located *if* the private program also offers education in any grade from kindergarten through Grade 12.

4. Must Connecticut implement this change in IDEA 2004?

YES. IDEA 2004 is a federal law that Connecticut must implement and enforce.

5. Will the final IDEA 2004 regulations change this law?

NO. The final regulations may provide additional guidance and explanation, but the regulations will not, and cannot, change the law.

6. What are the responsibilities of a school district regarding students with disabilities placed by their parents in private elementary and secondary schools located within that school district?

A school district must do the following with regard to students with disabilities placed by their parents in private elementary and secondary schools located within their school district:

a. Consultation: Each school district must consult with private school representatives and representatives of parents of parentally placed private school children with disabilities regarding child find; the determination of the proportionate amount of federal funds available to serve such children; the consultation process and how it will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through child find can meaningfully participate in special education and related services; and how, when there is disagreement regarding the provision or type of services, the school district will explain its decisions. Once this consultation has occurred, the school district shall obtain written affirmations signed by the representatives of the participating private schools located within the school district.

b. Child Find: The school district shall conduct all child find activities for private school children with disabilities who are attending private schools located within that school district. This includes the location, identification and evaluation of all such private school children with disabilities.

c. Services Plans: After the consultation process and child find activities are completed, each school district must make the final decision about what services will be provided to parentally placed private school children with disabilities. No 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. However, a services plan must be developed and implemented for each child with disabilities *who has been designated* by the school district (in which the private school is located) to receive special education and related services. Each services plan must describe the specific special education and/or related services the school district will provide to that child in light of the services the school district has determined it will make available to parentally placed private school children with disabilities. *As previously stated, it is the responsibility of each school district in which a private school is located to make the final decision with respect to the services to be provided to eligible parentally placed private school children with disabilities. Parents who disagree with the decision of the school district may pursue the dispute resolution options described in Number 9, below.*

d. Meetings: For each parentally placed private school child with a disability who will receive special education and related services from the school district as described above, the school district must *initiate and conduct meetings that include each child's parents to develop, review and revise the services plan for each child for whom a services plan has been developed* (as described above).

e. Reevaluations: For each parentally placed private school child with a disability, the school district in which the child's private school is located must perform a reevaluation of the child at least every three years (unless the school district and the parents agree it is not necessary) or more often if conditions warrant a reevaluation.

Note: The town of residence remains responsible for the provision of FAPE (a free, appropriate public education) to students with disabilities. Parents of parentally placed private school children seeking the provision of FAPE through an IEP should be directed back to their town of residence.

7. If my district has already spent its entire proportional share for evaluations and reevaluations, does this end the district's responsibility?

NO. IDEA 2004 states that "the cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if an LEA has met its obligation."

8. What types of records must a school district maintain and provide to the Connecticut State Department of Education?

Each school district must maintain in its records, and provide to the Connecticut State Department of Education on an annual basis, the following information related to parentally placed private school children with disabilities:

1. Number of children evaluated;
2. Number of children determined to be children with disabilities; and
3. Number of children served.

9. Can due process procedures be used regarding claims that a school district has not complied with the IDEA requirements applicable to parentally placed private school children?

Due process procedures *are* available to parents for issues raised regarding a school district's performance of child find activities, evaluations and reevaluations. Due process is *not* available to parents if they have concerns about school district compliance with IDEA requirements regarding the consultation process, the amount of funds expended by school districts to meet the requirements, decisions about the services that will be provided to parentally placed private school children, or the implementation of specific services plans for individual children. However, the state Complaint Resolution Process may be used for such complaints. A private school official may also submit a complaint through the state Complaint Resolution Process if he or she believes that a school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official.