

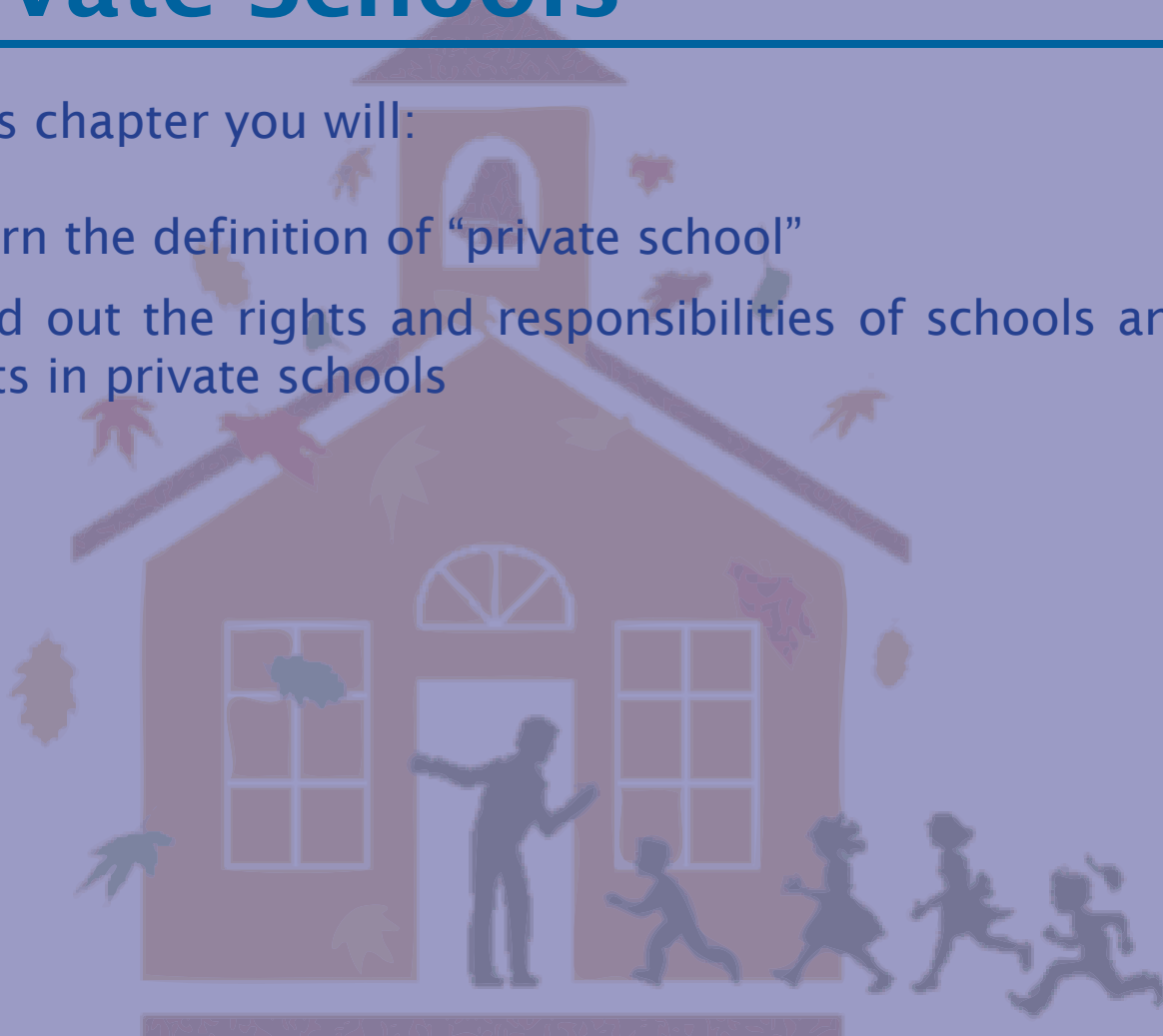
# Chapter 12:

## Private Schools

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In this chapter you will:

- learn the definition of “private school”
- find out the rights and responsibilities of schools and parents in private schools



## Overview of Private School Placement

When thinking about private schools and special education, it is important to understand the different kinds of private school placement. In special education, there are two common scenarios addressing the needs of a student with disabilities in a private school.

The two types of private school situations are:

1. Children who are placed in private schools (such a religious school) by their parents; or
2. Children who are placed in private schools by public school districts.

### Placement by a Parent on a Voluntary Basis

The first, and most common, situation involves students whose parents voluntarily enroll the students in private program, such as a religious school. Very often, such schools do not focus on students with disabilities and may only have limited support for students with disabilities. Still, parents of students with disabilities may have some options available to them to obtain additional support from the public school district.

#### Worth a Look

The requirements for public schools districts to serve students in private schools are outlined at 34 CFR 300.130 through 300.144.

#### The Serving District

If a parent wishes to enroll a child in the public schools, the parent would look to the school district where the parent lives to determine which district is responsible for educating the child. In the case of a private school student, though, the parent must instead look to the district *in which the private school is located* to determine the district that will be responsible for providing special education services to children with disabilities in the private school.

#### Limited Services

One important point must be kept in mind in the case of a student placed in a private school by the parents: the services the student will receive in the private school

will often be less than the services the student would receive if the student was attending a public school with an IEP. This is due to the fact that, under Federal law, districts are only required to spend a portion of their Federal special education funds on students with disabilities in private school. Called “proportionate share,” this sum is usually much smaller than the overall funding a district can spend on students with disabilities within the public schools. Also, when proportionate share funds run out during the school year, a district can choose to end services for the rest of the school year.

### **ISP vs. IEP**

Unlike students in public schools, students with disabilities in private schools are not entitled to an IEP. Instead, districts will often provide an Individual Services Plan or “ISP” to students with disabilities who will be receiving services from the school district during the school year. An ISP is a much less detailed document that often will only describe the types of service being provided, the frequency of the services, and the location where those services will be provided. If appropriate, the district might also add a goal or short-term objective, but this is not required in all cases.

### **Child Find and Evaluations**

Unlike the issue of services, districts are obligated to conduct Child Find in the same manner for families of private school students as it would do with families of public school students. The district cannot refuse to undertake Child Find simply because the student attends a private school. For more information on Child Find, please review Chapter 1, “Child Find.”

In addition, if a district determines that a student in a private school requires an evaluation to determine the student’s eligibility for special education, the district cannot refuse to perform the evaluation, or any required re-evaluations later. The district will also be expected to conduct the eligibility conference to review the evaluation and to determine if the student should be made eligible for spe-

#### **Important Reminder**

If a student with a disability attends a private school and will be receiving services from the public school, the student’s services should be outlined by the district in an Individual Services Plan (“ISP”) rather than an IEP. An ISP is a far more limited document than an IEP and will likely contain fewer parts than would be found in an IEP.

cial education. For more information on evaluations and eligibility, please review Chapter 3, “Referral & Evaluation,” and Chapter 4, “Eligibility Categories.”

### Finding Out the Services Offered by the District

To find out what kinds of service a school district will be providing to private school students, a parent should contact the administrative offices of the district where the private school is located. District administration will be able to provide parents with an outline of the services, as well as information on how to contact the district about the Child Find and Evaluation process.

In addition, the district may periodically invite parents to attend a meeting called “Timely and Meaningful Consultation,” sometimes simply called “TMC.” Such a meeting is required to take place in every district in which a private school is located throughout Illinois. The meeting is typically held annually (although districts can conduct them more frequently if districts choose or if circumstances might require an additional meeting). TMC meetings must, under Federal rules, involve representatives of the private schools as well as “parent representatives” of private school parents and students. These meetings will typically outline the amount of “proportionate share” funding the district has for the school year, as well as the types of service the district plans on providing during the year.

#### Important Reminder

Parents of private-school students have limited rights to request a due process hearing, or to file a State complaint. Make sure the issue can be heard or investigated before filing a complaint or due process hearing request.

In the area of due process, parents may only file a hearing request to determine the general issue of whether the student is or is not eligible for special education. Disputes over the *type* of disability (e.g., whether the student should be LD as opposed to ED) are not generally a basis for filing a hearing request when dealing with private school students.

### Complaints and Due Process

Parents of private school students have limited grounds to file complaints with ISBE or to request a due process hearing. If a parent of a private school student wishes to file a complaint, Federal rules state that the parent is limited to filing a complaint regarding the district’s conduct of the “Timely and Meaningful Consultation” process described in the previous subsection. Federal rules also limit the grounds on which parents can file for due process. Under these rules, parents may only file for due process to challenge a district’s decision either to find (or not find) a student eligible for special education services *of any kind* (see sidebar, “Important Reminder” for more information).

For further information on filing a State complaint or a request for a due process hearing, please review Chapter 11, “Conflict Resolution.”

### **Placement by a Public School District**

As you may have read in Chapter 7 (“Least Restrictive Environment”), a school district may be required in certain cases to place a student with a disability in a private school. In these situations, the private schools in question are schools with a specific expertise in working with students with disabilities. As was also discussed in Chapter 7, such placements usually occur only when the district cannot develop a satisfactory placement within a public school facility.

In situations where the public school district has placed the student in a private school, the student’s placement must ensure that the student’s IEP can be implemented completely. The private school is, in a sense, an extension of the public school because the student’s program in the private school is guided by what the IEP requires. From the point of view of the parent, there isn’t any real difference between the rights the parent has with regard to the IEP. The IEP must be reviewed at least annually and the parent has the full right to participate in all IEP meetings. In fact, there are few, if any, differences between the rights a parent enjoys when dealing with a district placement in a private school and the rights the parent enjoys when the placement is in a public program.

