

PARENTALLY-PLACED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

Quick Guide for Non-Profit Private Schools

This quick guide outlines key responsibilities and considerations for non-profit private schools regarding students with disabilities who are parentally-placed in private schools including religious, elementary and secondary schools located within the boundaries of the local educational agency.

Throughout this guide, when the term “parent” or “parents” is used, the term includes the definition aligned to Title 34, section (§) 300.30, Code of Federal Regulations (C.F.R.). That definition includes biological or adoptive parent, foster parent, guardian, an individual acting in the place of a biological parent with whom the child lives or is legally responsible for the child’s welfare, or a surrogate parent as defined in 34 C.F.R. § 300.519.

In Florida, a parentally-placed private school student with a disability is a student with a disability whose parents choose to enroll them in a private school, including religious schools. These schools may be non-profit or for-profit, but only students in non-profit private schools can receive certain special education services through the local educational agency (LEA). This includes students who use state scholarships such as the Family Empowerment Scholarship for Student with Unique Abilities (FES-UA) or the Florida Tax Credit Scholarship. Private schools can serve children in the elementary grades (Kindergarten through grade 5 or 6) or in secondary grades (middle and high school). Students in for-profit private schools or home education programs are not eligible.



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The Florida Department of Education (FDOE) created a Technical Assistance Paper (TAP) to explain the rules for students with disabilities whose parents place them in private schools. These students are not enrolled in the LEA, so they do not receive a Free Appropriate Public Education (FAPE) through an Individual Educational Plan (IEP). Instead, the TAP gives clear guidance about what services may be available, who provides them, where they may take place and other important details like transportation.

♦ Note: The Quick Response (QR) code links directly to the [Technical Assistance Paper: Parentally-Placed Private School Students with Disabilities](#) for additional information.

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In February 2022, the U.S. Department of Education's Office of Special Education Programs (OSEP) released a Questions & Answers document about students with disabilities in private schools. Like Florida's guidance, this document explains the federal rules under the Individuals with Disabilities Education Act (IDEA) for children whose parents place them in private schools. These students are not enrolled in the LEA so FAPE is not required. The guide answers common questions about services plans, service providers, where services happen and transportation.

♦ Note: The QR code links directly to OSEP's [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#) for additional information.

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The LEA's obligation to students with disabilities in non-profit private schools is to:

- Provide exceptional student education (ESE) and related services to eligible students. (34 C.F.R. § 300.132)
- Locate, identify and evaluate all parentally-placed private school students with disabilities. (34 C.F.R. § 300.131)
- Consult with private school and parent representatives in developing ESE services. (34 C.F.R. § 300.134)
- Spend a proportionate share of IDEA Part B funds on these services. (34 C.F.R. § 300.133)
- Develop a services plan for each student receiving services. (34 C.F.R. § 300.132)
- Inform private school representatives of this obligation during the consultation process so they can develop a process for providing and maintaining the necessary information.
- Ensure when calculating the proportionate amount, that the count is conducted on any date from October 1 to December 1 of each year. (34 C.F.R. § 300.133(c)(1)(ii))

LEAs should help families identify students who may have disabilities by sharing information through brochures, announcements, community events and private school liaisons. (34 C.F.R. § 300.131) This should be discussed during consultations and shared on the LEA's website and in ESE Policies and Procedures manuals.



♥ Note: The QR code links directly to the IDEA regulations on Child Find (34 C.F.R. §§ [300.111](#) and [300.131](#)) for additional information.



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CONSULTATION WITH PRIVATE SCHOOLS

LEAs must consult regularly with non-profit private schools and parents to plan services for students with disabilities enrolled in non-profit private schools. This ongoing process can occur in person, online, by phone or by email.



During consultation, the LEA, private school and parents can communicate about:

- How Child Find works
- Number of eligible students
- Types of services
- When and where services are provided

CHILD FIND

LEAs must identify and evaluate all students ages 3-21 who may have disabilities, including those in private or religious schools. The process must be timely, fair and comparable to that for public school students.



PROPORTIONATE SHARE

LEAs must set aside a fair share of IDEA Part B funds for services to non-profit private school students with disabilities, based on their numbers in the LEA.

Two funding streams are used:

- Section 611: Ages 3-21
- Section 619: Ages 3-5 (preschool)

Funds support services such as direct support, consultation or equipment. Unused funds carry over for one year, then may revert to public school use under IDEA.



♥ Note: The QR code links directly to the IDEA regulations on Child Find (34 C.F.R. §§ [300.111](#) and [300.131](#)) for additional information.



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SERVICES PLAN

Private school students do not receive an IEP but may be eligible for a Services Plan. This plan outlines the special education and related services the LEA will provide, based on consultation with the LEA, non-profit private school and parents.

Services may be more limited than in public schools. The plan specifies what will be provided, how often and where – such as in a public school, private school or another location.



STATE SCHOLARSHIP PROGRAMS

- Florida students with disabilities may use scholarships like FES-UA or the Florida Tax Credit Scholarship.
- Florida students with disabilities can also receive services through a Services Plan. If an FES-UA student needs a new matrix score, wants FAPE information or plans to return to public school, the LEA must evaluate and, if eligible, create an IEP.



♥ Note: The QR code links directly to the [FDOE Office of School Choice](#).

For more information, please visit [BEESS Parent Information](#)
or contact BEESS by email at BEESSupport@fldoe.org
or by phone at 850-245-0475.