



Children with Disabilities in Private Settings

November 2020

What kinds of private school placements are addressed in IDEA?

1. Children with disabilities unilaterally enrolled by their parents in private schools (PPPSC)
2. Children with disabilities in private schools placed or referred by a public agency)
3. Children in private schools placed by parent when FAPE is at issue (subject to procedural safeguards)

Children with disabilities enrolled by their parents in private schools

- The focus of this presentation is on the first type of setting addressed in the regulations.
- This requirement is linked to specific fiscal requirements.
- Each LEA must allocate a proportionate share of their IDEA allocation to provide equitable services to eligible students in private schools within their jurisdiction.
- In South Carolina, home schools are treated as private schools.

Child Find for parentally-placed private school children with disabilities (PPPSC)

Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools (including home schools in South Carolina) located in the school district served by the LEA...

What is an elementary or secondary school?

SECTION 59-1-150 in the South Carolina Code of Laws defines an "Elementary school" as any public school which contains grades no lower than kindergarten and no higher than eighth.

Secondary schools can have different grade configurations, but no higher than grade 12.

Result/Outcome

Students with disabilities between ages 3 and 21, who are in the public school setting (or will be) are provided

- A Free Appropriate Public Education (FAPE) through an IEP.



Elementary and secondary students with disabilities, unilaterally enrolled by their parents in a private school may receive

- Equitable services
- In the amount of the proportionate share of IDEA funds
- Determined through annual and ongoing meaningful consultation with representatives of private/home schools...
- Outlined in an Individualized Services Plan (ISP)---not an IEP
- No individual right to equitable services

What does “eligible” mean?

- Students with disabilities under IDEA are eligible until they:
 - Graduate with a diploma
 - Age out 
 - Are reevaluated and determined no longer eligible
- Revocation of consent is an option for students in public schools, but is NOT available for PPPSC.
- There is one other condition of eligibility for parentally-placed private school children—refusal of consent for evaluation or reevaluation.

How do we determine the number of Parentally-Placed Private School Children?

- A student is only eligible under IDEA if he has been evaluated and determined to have a disability by an IEP Team:
 - Children who have been  evaluated under general Child Find requirements
 - Children with disabilities who were in public school and transferred to a private school or began home schooling
 - Children in private school settings who are identified through Child Find

RECORD KEEPING

Each LEA must maintain in its records, and provide to the SEA, the following information related to parentally-placed private school children:

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

Proportionate Share

- The LEA must provide special education and related services in an amount that is the same proportion of the LEA's total subgrant... as the number of *eligible* private school children with disabilities.
- The calculation is included in the grant application; however the LEA must maintain an accurate count of eligible children, by age groups 3-5 and 3-21. In South Carolina, the only students in the 3-5 age group who are PPPSC are those 5-year-olds of kindergarten age.

Annual count of the number of parentally-placed private school children with disabilities

PLEASE NOTE: This is different than the 618 Child Count!

- After timely and meaningful  consultation with representatives of parentally-placed private school children with disabilities,
 - Determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA and
 - Ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year.

What is meaningful consultation?

- Child Find
 - Proportionate share
 - Consultation process
 - Provision of special education and related services
 - Written explanation by the LEA (if LEA disagrees with private school representatives)
 - Location of services
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- Due Process Complaints and State Complaints
 - Requirements that funds not benefit a private school
 - Use of personnel
 - Property, equipment and supplies
 - Written affirmation from representatives of participating private schools

Monitoring Issues/Questions

- Calculation based on students served, not those who are eligible
- Considering 3- and 4-year-old children as PPPSC
- Not expending proportionate share
- Not offering consultation at least annually
- Not considering home school students
- Spending the proportionate share from the general fund rather than from IDEA
- Assuming that the private school can reject services

RESOURCES

➤ [Children in Private Schools 300.129-300.144](#)

➤ [Services Plan 300.37](#)



➤ [Parental Consent 300.300\(d\)\(4\)](#)

➤ [APRIL 2011 Q&A](#)



Questions

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