

Children with Disabilities Placed in Private Schools by the System

If the Individualized Education Program (IEP) Team, including the parent, decides that the most appropriate placement for a student is in a private school, the system that places the student in the private school continues to be responsible for making sure that the student receives the special education and related services included in the student's IEP and that those services are provided at no cost to the parent. The system is to make sure that the education provided at the private school meets the standards that apply to other students with disabilities and that the student and parent continue to have all the same rights that other students with disabilities and their parent have. A system representative must visit the private school at least annually. Ultimately, the system remains responsible for ensuring free appropriate public education (FAPE) when the student is placed in the private school. The IEP Team, with all of the appropriate members including the parent, private school or facility staff, and system representative will develop the IEP for the child. IEP Team members may participate in the meeting through a conference call or other ways. The system will ensure that the parent can attend at no cost to the parent. Systems may apply for grant funds if the child is placed in a private school or facility that is approved by the Georgia Department of Education (GaDOE) if in state, or by another state if the school is an out of state school.

Placement of Children by Parent When FAPE is at Issue

Sometimes a system will make free appropriate public education (FAPE) available to a child but the child's parent decides to place the child in a private school or facility. The system is not required to pay for the cost of the education for the child at the private school. When the system and the parent disagree regarding the availability of an appropriate program for the child, due process hearing procedures may be initiated by the parent. An administrative law judge (ALJ) may find that the system had not made FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost the private school. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or the system. When FAPE is at issue between the parent and the school system, and the parent determines that they are going to place the student in private school at public expense the parent must notify the system in writing at least ten business days prior to the removal of the child or at an IEP meeting prior to the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced or denied. The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the system prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English or the notice requirement would result in serious emotional or physical harm to the child.

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Home Schooled Students: Children who are home-schooled within the boundaries of the system are considered parentally-placed private school children for the purposes of special education.

Equitable Services Determined: No parentally-placed 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 the system. The system only

has an obligation to provide these children an opportunity for equitable participation in the services funded with Federal the Individuals with Disabilities Education Act (IDEA) Part B dollars that the system has determined, after consultation, to make available to its population of parentally-placed private school children with disabilities. These children with disabilities may receive a different amount of services than children in public schools. Some children will not receive any services. The system will make the final decisions regarding services to be provided prior to the start of the school year. After meeting with representatives from the area's private schools and parents of home schooled students, it has been decided that the services that will be provide to parentally placed private school students during the 2008-2009 school year will be speech language services.

Service Plans: A Service Plan will be developed and implemented for each private school child with disabilities who will receive services from the system. The system will initiate and conduct the meetings to develop, review, and revise a service plan. They will ensure that a representative of the private school attends each meeting. As with IEPs, participation in the meeting is encouraged to be in person but may be through conference call or other means.

A service plan must:

- Contain a statement of the special education and related services and supplementary aide and services that will be provided to the student.
- Be in effect at the beginning of each school year.
- Be developed, reviewed, and revised periodically, but not less than annually.
- Please visit SEMSNET to review a copy of a service plan. This form is the one that will be used by TCSS when developing a service plan for parentally placed private school students and home schooled students who are determined to be eligible for services.

Services provided to private school children must be provided by system personnel who meet the same standards as system personnel providing the services in the system. If the system contracts with private school teachers to provide the equitable services to the children with disabilities enrolled in the private school, those private school teachers do not have to meet the highly qualified special education teacher requirements. Services may be provided at the private school or children may be transported to the public school or community setting to receive services. Transportation may be provided by the system but cannot transport the child from home to the private school. The system may provide materials, equipment and property purchased to implement the services to the children with disabilities in the private school, but it must be used only for those purposes and returned when no longer needed. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The system may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school or general needs of the children in the private school. Parentally-placed private school provisions are to be applied to preschool-aged children only when they attend private nonprofit elementary (grades K and higher) schools outside their system and are eligible for a services plan. Preschool students who attend private preschools within their system of residence are served by the system through an IEP. Parentally-placed private school preschool students that attend private preschools (that are not considered elementary or secondary schools) outside their residential system are not entitled to services from that system. **If you are contacted by a parent or private school representative concerning services for a parentally placed private school student, please have them contact Laura Nichols at 706-812-7939.

