



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 27 2000

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dear [REDACTED]

Your letter dated May 9, 1999, to President William Clinton was forwarded to the Office of Special Education Programs (OSEP), U.S. Department of Education for a reply. Your letter proposes the adoption of a State educational voucher system to cover the expenses of educating a child in a private, secular, or home school setting. I apologize for the delay in this response.

Part B of the Individuals with Disabilities Education Act (Part B) is a Federal program administered by the Office of Special Education Programs (OSEP). A copy of the Part B regulations is enclosed for your information. Part B authorizes the Federal government to provide funds to States, and through States to local school districts, to assist in meeting the unique educational needs of eligible children residing in the State who have one or more of the disabilities specified at 34 CFR §300.7.

Under Part B, States and local school districts are required to make a free appropriate public education (FAPE) available to all children with disabilities who are eligibly to receive services under the Part B program. FAPE includes the provision of special education (specially designed instruction) and related services (developmental, corrective, and other supportive services), at no cost to the parent, which meet State educational standards and Part B requirements. The local educational agency does not have to pay for the cost of private education if the agency made FAPE available in a timely manner and the parents elected to place the child in a private school or facility.

The Part B regulations, at 34 CFR §§300.450-300.462, describe the circumstances under which children with disabilities placed in private schools by their parents may be able to receive special education and related services from local school district programs assisted or carried out under Part B. Although the needs of children with disabilities parentally placed at private schools by their parents must be considered by the responsible public agency, no child placed at a private school or facility by his or her parents when FAPE from a public agency program or public agency placement is not at issue has the right to receive all or some of the special education and related services that the child would receive if enrolled in a public school program or a public agency placement at a private school. 34 CFR §300.454(a).

You should know that if parents home school their children, and if your State's definition of "private schools" includes home schools, children with disabilities in home schools must be treated the same way as other parentally-placed private school children with disabilities. If the State does not recognize home schools as private schools, children with disabilities are still covered by "child find," and State and local educational agencies must ensure that these children are located, identified, and evaluated, and that FAPE is made available to such children if their parents choose to enroll them in the public schools.

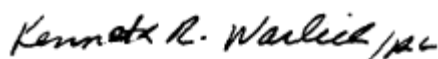
To obtain further information about services for parentally-placed private school children in your State, including whether your State's definition of "private schools" includes home schools, you should contact the named official of the Maryland State Department of Education at the address and telephone number below:

Ms. Carol Ann Baglin  
Director, Division of Special Education  
Maryland Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201-2595  
(410) 767-0249

In addition, we have enclosed material explaining the Department's position on school vouchers.

We hope that you find this explanation helpful. If we can be of further assistance, please contact Mr. Michael F. Slade, Maryland's Part B State contact in the Monitoring and State Improvement Planning Division, at (202) 205-8969.

Sincerely,



Kenneth R. Warlick  
Director  
Office of Special Education Programs

Enclosures.

cc: Carol Ann Baglin  
Maryland State Department of Education