



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

May 18, 2001

(Address blacked out)

Dear (Name blacked out):

Dear X:

Your e-mail to Secretary Rod Paige has been forwarded to the Office of Special Education Programs (OSEP) for response. In your e-mail you request assistance for the placement of your child in a private school.

Part B of the Individuals with Disabilities Education Act (Part B) is a Federal program administered by OSEP. A copy of the Part B regulations is enclosed for your review. Part B authorizes the Federal government to provide funds to States, and through States to local school districts, to help meet the unique educational needs of eligible children with one or more of the specified disabilities. Also enclosed is OSEP Memorandum 00-14, which discusses the obligations of public agencies to children with disabilities placed by their parents in private schools.

Parents often contact OSEP for information about funding sources to pay for placement of their child with a disability in a private school. We are not aware of a Federal program that provides funds directly to parents to pay the costs of educating their child in a private school. You may wish to explore the possibility of obtaining financial assistance for placing your child in a private school from State, local and/or private sources. If you, as a parent, feel that a private placement is the most appropriate educational placement for your child, you may also find the following information about the Part B program helpful.

Part B requires States and local school districts to make a free appropriate public education (FAPE) available to all children who are eligible to receive services under Part B. To receive services under Part B, a child must be evaluated to determine whether the child is eligible for services under Part B. The initial evaluation must be a full and individual evaluation, which assesses all areas related to the suspected disability and uses a variety of assessment tools and strategies. If your child qualifies for services under Part B, the school district must offer to conduct a meeting to develop an individualized education program (IEP) for your child.

Under Part B, your child's educational placement must be based upon your child's IEP. When the local school district conducts an IEP meeting, you, as a parent, are a member of the IEP team and must be invited to participate. Parents play a key role, along with school personnel in: (1) developing, reviewing or, if necessary, revising a child's IEP; (2) determining the nature and extent of the child's special education and related service needs; and (3) the placement decision.

Through the IEP process, you can discuss with school officials different approaches that would appropriately meet your child's unique needs. This would include discussing the provision of needed services in a private school, if the local school district is unable to provide the needed services in the public school setting.

If the public school does not provide FAPE to your child in a timely manner and, you, as a result, enroll your child in a private school, a court or hearing officer may require the public agency to reimburse you. That reimbursement may be reduced or denied if: (1) you did not inform the IEP team at the most recent IEP meeting that you were rejecting the proposed placement, stating your concerns and intentions to enroll your child in private school at public expense; OR (2) you did not give written notice to the public school 10 business days, including any holidays that occur on a business day, prior to the removal of your child, stating that you were rejecting the proposed placement and stating your concerns and intent to enroll your child in a private school at public expense.

In addition, the cost of reimbursement may be reduced or denied if, prior to your removal of the child, you were informed by the public agency of its intent to evaluate your child and you made your child unavailable for evaluation OR upon a judicial finding of unreasonableness with respect to actions taken by you.

If you and the local school district staff cannot agree on the content of the IEP, you can ask for a due process hearing and an impartial hearing officer can make an independent decision in order to resolve any disagreements. A mediation process must be made available to you when a due process hearing is requested. You also have the option of filing a complaint with the State if you and the local school district staff cannot agree on the content of the IEP. The Part B complaint procedures are described at 34 CFR §§300.660- 300.662. Two memoranda issued by OSEP that contain additional information about the mediation and complaints processes are enclosed for your information.

Under Part B, your child's education must be in the least restrictive environment in which your child's IEP can be implemented. The least restrictive environment provisions contained in Part B require that all eligible children, regardless of the nature or severity of their disabilities, be educated to the maximum extent appropriate with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and other activities consistent with Part B must be included in your child's IEP. If the local school district is unable to provide the needed services to your child in the public school setting, the agency can place your child in a program operated by another public agency or in a private school or facility, at public expense.

If you have any questions about how the requirements of Part B are implemented in South Carolina, you may contact the State Educational Agency at the address and telephone number below:

Susan Durant, Director
State Department of Education
Office of Exceptional Children
1429 Senate Street, Room 808
Columbia, SC 29201
(803) 734-8806
E-mail: sdurant@sde.state.sc.us

Some parents unilaterally place their children in a private school or facility. If a public agency makes FAPE available to a child and the parents elect to unilaterally place the child in a private school or facility, Part B does not require the public agency to pay for the cost of the child's education, including special education and related services, under those circumstances. Although the public agency is required by the provisions of 34 CFR §§300.450-300.462 to provide some services to children who are unilaterally placed in private schools by their parents, no child placed unilaterally in a private school or facility by his or her parents 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.

The provisions regarding services for parentally-placed private school children with disabilities are found at 34 CFR §§300.450-300.462.

I hope this information is helpful. If you need further assistance, please feel free to contact Debra Jennings of my staff at (202) 205-5250.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: Susan Durant, Director, SCSDE