



Parentally-Placed Private School Students

Patricia Bodiford

Bureau of Exceptional Education and Student Services

Bureau Chief



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Agenda

- Overview of Definitions and Relevant Law/Guidance
- Child Find
- Consultation
- Services Plans
- Proportionate Share
- Contact Information



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Overview

Definitions

- **LEA** – Local Educational Agency (School District)
- **ESE** – Exceptional Student Education
- **IEP** – Individual Educational Plan
- **FAPE** – Free Appropriate Public Education
- **USED** – United State Education Department
- **OSEP** – Office of Special Education Programs
- **Parentally-Placed Private School Student (PPPSS)** - A student with a disability who is enrolled by the parents in a **non-profit** private school.

Relevant Law/Guidance

- [Individuals with Disabilities Education Act \(IDEA\) Title 34, sections \(§§\) 300.130 through 300.144, Code of Federal Regulations \(C.F.R.\)](#)
- [Section \(s.\) 1002.42, Florida Statutes \(F.S.\), *Private schools*](#)
- [S. 1003.57, F.S., *Exceptional students instruction*](#)
- [Rule 6A-6.030281, Florida Administrative Code \(F.A.C.\), *Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities*](#)
- [OSEP QA 22-01 Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(revised February 2022\)](#)
- [Florida Department of Education \(FDOE\) Technical Assistance Paper \(TAP\) for Parentally-Placed Private School Students with Disabilities](#)



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B. Child Find

FDOE TAP for PPPSS

B-1. What is child find?

“Child find” is the process of locating, identifying and evaluating all students residing in the state, including students with disabilities who are homeless or are wards of the state, and students with disabilities attending private schools, regardless of the severity of their disability, and who are in need of ESE and related services. This includes all private school students ages 3 through 21 suspected of having a disability. During this process, a practical method is developed and implemented to determine which students are currently receiving needed ESE and related services.

B-2. Who must conduct child find?

The LEA in which the private school is located is responsible for conducting child find. They may choose to carry out the child find obligation, or contract with another LEA, such as the LEA where the student resides. The LEA may also contract with a third party to conduct child find activities. However, if the LEA contracts with a third party, the responsibility to ensure that child find activities follow the statutory guidelines and timelines remain with the LEA. If the private school operates as a for-profit school, or the student is enrolled in a home education program, then the LEA where the student resides is responsible for child find activities.

B-3. What are an LEA's responsibilities for child find activities for PPPSS?

Each LEA must locate, identify and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools.

The child find process must be designed to ensure:

- The equitable participation of parentally-placed private school students and an accurate count of those students;
- The activities are similar to the activities undertaken for the LEA's public-school students;
- The cost of carrying out the child find requirements may not be considered in determining if an LEA has met its obligation; and
- The process is completed in a time period comparable to that for students attending public school in the LEA.

B-4. How can LEAs ensure they conduct proactive outreach to educate the public on child find?

LEAs should communicate with and assist families in identifying students who may have disabilities, which may include widely distributing informational brochures, providing regular public service announcements, staffing exhibits at health fairs and other community activities and identifying direct LEA liaisons with private schools. LEAs should discuss this topic during consultations with private school representatives and representatives of parents to further enhance communication efforts. LEAs may also include information on requesting an evaluation for PPPSS on their websites and in their ESE Policies and Procedures manuals.

B-5. Is there a specific timeline for the child find process?

Yes. If the parent requests an evaluation to determine if the student has a disability, the LEA must obtain consent for the initial evaluation within 30 days of the parent's request. Alternatively, if the LEA concludes that the requested evaluation is not warranted, a written notice of refusal must be provided to the parent within 30 calendar days of the request. However, this timeline may extend if the parent and LEA agree otherwise in writing. Typically, the evaluation for students must be conducted within 60 days of receiving parental consent for the evaluation. After that, a meeting to develop an IEP for a student is conducted within 30 days of determination that the student needs ESE and related services.

B-16. Can interventions be required to determine eligibility?

No. The evaluation team, which includes a group of qualified professionals and the parents, determines eligibility using all the available data collected during the evaluation. The evaluation team determines eligibility by reviewing multiple sources, such as aptitude tests, parent input and teacher observations. The information should be fully documented and carefully considered by the team.

B-17. If an LEA evaluates a PPPSS and determines that the student has a disability, must the LEA develop and IEP to make FAPE available to that student?

No. The LEA where the student resides is not obligated to make FAPE available to that student or to develop an IEP. However, if the student is participating in the Family Empowerment Scholarship for Unique Abilities and the parent needs the student's matrix of services score updated, or they wish to see the options of FAPE, or intend to enroll the student in a public school, then the LEA must evaluate the student, determine the eligibility and, if found eligible, develop the IEP.

B-25. What evaluation criteria must the LEA meet when assessing PPPSS suspected of having a disability?

Similar to evaluating public school students, LEAs must use multiple assessment tools to acquire a comprehensive understanding of the needs of the student. Eligibility determinations cannot be based on one data point, but based on multiple assessments input from the parents and all relevant available data.

B-26. Are LEAs required to conduct triennial reevaluations of PPPSS with disabilities?

Yes. LEAs are responsible for ensuring reevaluations are considered at least once every three years, unless the parent and the LEA agree that a reevaluation is not necessary. One purpose of reevaluations is to determine whether the student continues to be a student with a disability and, as such, it is a part of the LEA's child find responsibilities. An accurate annual count of eligible students with disabilities enrolled in public and private schools within the LEA is important in calculating an accurate proportionate share of funds.

B-31. What are the LEA's responsibilities when a parent requests and individual educational evaluation (IEE)?

If the parent requests an IEE at public expense, the LEA must, without unnecessary delay, either file a due process complaint to request a hearing to show that their evaluation is appropriate or ensure that an IEE is provided at public expense. If the final decision at the due process hearing is that the LEA's evaluation is appropriate, the parent still has the right to an IEE, but not at the public expense. The LEA may ask for the parent's reasoning as to why they object to the public evaluation. However, the LEA may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing.



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C. Consultation

C-1. What is timely and meaningful consultation?

This is a mandatory process that includes ongoing discussions between the LEA, private school representatives of parents of PPPSS with disabilities on key issues relating to the equitable participation of eligible private school students with disabilities in federally funded ESE and related services. During consultation meetings, ESE and related services are designed and developed for PPPSS with disabilities. Effective consultation provides all parties with a genuine opportunity to share their points of view, ensuring those views are considered before any final decisions are made on the delivery of ESE and related services.

C-2. What constitutes “timely” consultation?

Consultation must be an ongoing process, not solely an annual meeting. Timeliness is critical to effective consultation and requires collaboration between the officials in developing a timeline and selecting dates for consultation. Successful consultation establishes positive and productive working relationships that make planning easier and ensures that the services provided meet the needs of eligible students with disabilities.

C-3. What constitutes “meaningful” consultation?

While IDEA does not expressly define what constitutes “meaningful” consultation with a private school, certain principles are clear. For consultation to be meaningful, it must, at a minimum, be timely and ongoing throughout the school year. The needs, number and location of PPPSS with disabilities may vary. Consultation topics can include:

- Meeting dates and times, as well as topics to be discussed;
- The child find process;
- The child count;
- The types of services that will be provided, including direct services and alternate service delivery mechanisms;
- When decisions regarding services will be made; and
- The plan for the delivery and location of services.

C-4. What is the definition of “representatives of parents of PPPSS children with disabilities” that must be included in consultation?

IDEA does not contain a definition of representatives of parents of PPPSS with disabilities. Additionally, IDEA does not specify which individuals must be included in the consultation process as representatives of parents of PPPSS with disabilities. The determination of which individuals should be designated as these representatives is best made at the state and local levels so that the LEA or the FDOE, if appropriate, along with private school officials and representatives of parents can identify and acknowledge the respective roles of those participating in the consultation process. However, IDEA does not prevent parents of PPPSS with disabilities from representing themselves in the consultation process.

C-5. What topics must be discussed during consultation?

In accordance with 34 C.F.R. §§ 300.134, legally compliant consultation must fully address the following:

- Child find;
- Proportionate share of funds;
- Consultation process;
- Provision of ESE and related services; and
- Written explanation by the LEA regarding services.

C-6. Can an LEA make a unilateral offer of services?

No. A unilateral offer of services by an LEA with no opportunity for discussion between the stakeholders is not adequate consultation, as such and offer does not meet the basic requirements of the consultation process. Only after discussing key issues relating to the provision of ESE and related services, and hearing from all stakeholders and considering those points of views may the LEA make their final decisions on the services to be provided to eligible PPPSS with disabilities.

C-7. Does IDEA specify how often consultation should occur?

No. IDEA does not prescribe a specific time frame for consultation and does not require a specific number of meetings each year. However, LEAs should consult with private school officials before submitting their annual count to the FDOE (from October 1 to December 1 each year) to ensure that the count is accurate.

C-8. If a private school representative did not participate in the consultation process, can they request participation midyear for a student that was not included in the annual count?

Yes. Because consultation is an ongoing process, if a private school representative chooses to participate at a later time, it is reasonable that the LEA includes that private school in the next meeting. In accordance with OSEP guidance, during the consultation process, LEAs should discuss how to address fluctuations in the population of students who need to be served, and how to serve students who are identified during the school year in which expenditures are made after the proportionate share calculation for that school year has been determined.

C-9. Must an LEA document the consultation process?

Yes. Once the consultation process has occurred, the LEA must obtain written affirmation signed by each of the participating private school representatives. If participating private school representatives do not provide the required written affirmation within a reasonable time, the LEA must forward its documentation of the consultation process to the FDOE.

C-10. Can an LEA require a private school to sign a Memorandum of Understanding (MOU) with the LEA for its students to receive ESE and related services?

No. IDEA neither requests an LEA, nor prohibits an LEA, from using an MOU to provide ESE and related services at either the private school or another location. However, a private school's decision to decline an MOU cannot be a basis for an LEA denying the provision of ESE and related services to PPPSS with disabilities enrolled at that school, who are otherwise eligible to receive such services.

C-11. What occurs if a private school representative disagrees with the consultation process or the decisions made regarding the provision of services?

If a private school representative disagrees with the consultation process or the decisions made regarding the provision of services, the representative can pursue various informal means including mediation. Formal dispute resolution methods include filing a state complaint with the FDOE stating the noncompliance by the LEA. The FDOE will investigate the complaint, request the appropriate documentation from the LEA and render a timely decision. Should the private school representative remain dissatisfied, the complaint may be forwarded to the Secretary of the USED with all appropriate and relevant documentation.



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Proportionate Share

FDOE TAP PPPSS

F-1. How is the proportionate share for PPPSS with disabilities calculated?

All students who have been evaluated and found eligible for ESE and related services must be included in the count to calculate the proportionate share. Each LEA must determine the total number of private school students with disabilities who are enrolled by their parents in private elementary and secondary schools located in the LEA, and the total number of students with disabilities enrolled in public and private, elementary and secondary schools located in the LEA, in order to calculate the proportionate share of IDEA Part B funds that must be expended on equitable services. The count must also include those students whose parents decline all publicly funded services and place the students with disabilities in a private school at their own expense.

F-5. What are appropriate expenditures when satisfying the proportionate share requirement?

Costs must be allocable to providing ESE and related services for PPPSS with disabilities. This includes:

- Personnel costs for salaries or contracted services positions;
- Professional learning and training;
- Equipment for students with disabilities;
- Instructional materials and supplies; and
- The costs of providing transportation.

F-6. What expenditures are excluded from the proportionate share funds?

Child find activities, evaluations, and reevaluations are excluded from these expenditures. Additionally, costs cannot be allocable to the needs of the private school or the general needs of the students enrolled in a private school. State and local funds may supplement, but not supplant, the proportionate amount of federal funds required to be expended for PPPSS with disabilities. Costs must be necessary and reasonable, allocable and adequately documented.

F-7. Can IDEA Part B funds for equitable ESE and related services ever be paid directly to a private school?

No. Private school representatives have no authority to obligate or receive federal funds. IDEA Part B funds for equitable ESE and related services cannot be used to finance the existing level of instruction in a private school or otherwise benefit the private school. The LEA must maintain ownership and control over all funds, materials, equipment and property purchased with those funds. An LEA may also use federal funds to reimburse an individual private school teacher, principal or other school staff from professional learning that the LEA has pre-approved, and that meets the reasonable and necessary cost principles of the Office of Management and Budget.

F-8. Should amounts expended for child find, including individual evaluations, be deducted from the required amount of funds to be expended on services for PPPSS with disabilities?

No. The statutory provisions regarding child find and participation of PPPSS with disabilities in programs assisted or conducted under IDEA Part B are separate and distinct obligations. The costs of child find activities, including individual evaluations, should not be considered as part of the proportionate share expenditure requirement.

F-9. If the amount of the proportionate share to be expended by the LEA has not been satisfied by the end of the fiscal year, is the LEA obligated to expend the remaining amount in a “roll year”?

Yes. LEAs must utilize the proportionate share funds each year by providing ESE and related services to PPPSS with disabilities. If an LEA has not expended all the funds by the end of the fiscal year, the LEA must carry over and obligate the funds for equitable ESE and related services at the private school in the following fiscal year. Note that the IDEA does not prohibit an LEA from expending more than its proportionate amount of Part B funds designated to be spent for ESE and related services, though it must spend a minimum amount of its Part B subgrant. When funds are spent, the LEAs financial obligation ends for that fiscal year.

Contact Information

Patricia Bodiford

Bureau Chief

Bureau of Exceptional Education and
Student Support Services (BEESS)

Patricia.Bodiford@fldoe.org



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