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Technical Assistance Paper Parentally-Placed Private School Students with Disabilities

Summary:

The purpose of this technical assistance paper is to provide information on students with disabilities enrolled by their parents in private schools.

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A. Definitions and Summary

A-1. How does the Individuals with Disabilities Education Act (IDEA) define “parentally-placed private school students with disabilities?”

IDEA Part B regulation, [Title 34, section \(§\) 300.130, Code of Federal Regulations](#) (C.F.R.), defines parentally-placed private school students with disabilities as students with disabilities under [34 C.F.R. § 300.8](#), enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in [34 C.F.R. § 300.13](#) or secondary school in [34 C.F.R. § 300.36](#).

In accordance with [Rule 6A-6.030281\(1\), Florida Administrative Code \(F.A.C.\)](#), parentally-placed private school students with disabilities are students with disabilities enrolled by their parents in private, including religious, non-profit schools or facilities that meet the definition of elementary school or secondary school. This definition includes students participating in state scholarship programs (e.g., the [Family Empowerment Scholarship](#) [FES] and [Florida Tax Credit Scholarship Program](#)).

This definition excludes:

- Students enrolled by their parents in for-profit private schools;
- Students with disabilities placed in or referred to private schools by public agencies who are covered under [34 C.F.R. §§ 300.145](#) through [300.147](#); and
- Students participating in home education programs as defined in sections (ss.) [1002.01](#) and [1002.41](#), Florida Statutes (F.S.).

A-2. What is the definition of private elementary and secondary schools?

A “private school” is a non-public school that may be an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade, or as an elementary, secondary, business, technical or trade school below college level or any organization that provides instructional services. A private school may be a parochial, religious, denominational, for-profit or non-profit school. ([s. 1002.01\(3\), F.S.](#))

An “elementary school” is a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. ([34 C.F.R. § 300.13](#))

A “secondary school” is a non-profit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under state law, except that it does not include any education beyond grade 12. ([34 C.F.R. § 300.36](#))

A-3. Are students placed by public agencies considered parentally-placed private school students?

No. Parentally-placed private school students include only those students placed by their parents in a non-profit private school. In the case of a placement by a public agency (e.g., Department of Children and Families, Department of Juvenile Justice, Agency for Persons with Disabilities and Agency for Health Care Administration), the public agency makes the placement, even if initiated by the parents. Such students are not considered parentally-placed private school students. ([34 C.F.R. § 300.130](#)) Students with disabilities who are or have been placed in or referred to a private school or facility by a public agency as a means of providing exceptional student education (ESE) and related services are covered under [34 C.F.R. §§ 300.145](#) through [300.147](#) and are not included under these provisions.

A-4. Which local educational agency (LEA) must serve parentally-placed private school students?

The LEA where the private school is located must locate, identify and evaluate all students, regardless of where the student resides. ([34 C.F.R. § 300.131\(a\)](#)) This services obligation extends to out-of-state students attending a non-profit private school within the LEA. ([34 C.F.R. § 300.131\(f\)](#)) However, guidance from the United States Department of Education (USED) Office of Special Education Programs (OSEP), Question A-4, states that if the parent requests the LEA of the student's residence to conduct an evaluation for purposes of making a free appropriate public education (FAPE) available to the student, then the LEA where the student resides must conduct the evaluation.

A-5. What is an LEA's legal obligation to parentally-placed private school students with disabilities?

In accordance with [34 C.F.R. §§ 300.130](#) through [300.144](#), and [Rule 6A-6.030281, F.A.C.](#), LEAs are required to:

- Consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of ESE and related services for these students; ([34 C.F.R. § 300.134](#))
- Conduct child find activities to locate, identify and evaluate all students with disabilities enrolled by their parents in private, including religious, elementary and secondary schools in the LEA; ([34 C.F.R. § 300.131](#))
- Provide ESE and related services, including direct services to eligible parentally-placed private school students with disabilities; ([34 C.F.R. § 300.132](#))
- Expend a proportionate amount of IDEA Part B funds for ESE and related services to parentally-placed private school students with disabilities; ([34 C.F.R. § 300.133](#)) and
- Develop and implement a services plan for each student designated to receive ESE and related services. ([34 C.F.R. § 300.132](#))

A-6. What is an LEA’s legal reporting obligation regarding parentally-placed private school students with disabilities?

An LEA must maintain and provide to the Florida Department of Education (FDOE) records of the following:

- The number of students who were parentally-placed in a private, non-profit elementary or secondary school located in the area served by the LEA, who were evaluated for a disability;
- The number of students determined to be a student with a disability; and
- The number of such students who were provided ESE and related services under IDEA. ([34 C.F.R. § 300.132](#))

This information must be submitted to the FDOE annually through a survey. In order to provide this information, LEAs should inform private school representatives of this obligation during the consultation process so that they can develop a process for providing and maintaining the necessary information. When the LEA is calculating the proportionate amount, it should ensure that the count is conducted on any date from October 1 to December 1, inclusive, of each year. ([34 C.F.R. § 300.133\(c\)\(1\)\(ii\)](#))

B. Child Find

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. ([34 C.F.R. § 300.111](#)) 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. ([34 C.F.R. § 300.131\(a\)](#)) 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 parentally-placed private school students?

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. ([34 C.F.R. § 300.131\(a\)](#))

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 schools in the LEA. ([34 C.F.R. § 300.131](#))

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. ([34 C.F.R. § 300.131](#)) 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 a parentally-placed private school student 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 calendar 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. ([Rule 6A-6.0331\(3\)\(c\), F.A.C.](#)) Typically, the evaluation for students must be conducted within 60 calendar days of receiving parental consent for the evaluation. ([34 C.F.R. § 300.301\(c\)\(1\)](#)) After that, a meeting to develop an individual educational plan (IEP) for a student is conducted within 30 days of a determination that the student needs ESE and related services. ([34 C.F.R. § 300.323\(c\)\(1\)](#))

B-6. Can LEAs extend the 60-day timeline for conducting child find?

Yes. Under [Rule 6A-6.0331\(3\)\(h\), F.A.C.](#), the 60-day timeline for evaluation does not apply if:

- The parent and LEA, by mutual written agreement, extend the 60-calendar-day requirement by no more than 30 calendar days. This written agreement must be secured before the 45th calendar day, but after the formal testing has begun, and it was determined that other evaluators are needed to complete the required full and individual evaluation;
- The parent of the student repeatedly fails or refuses to produce the student for the evaluation; or

- A student enrolls in a school served by the LEA after the timeline has begun, and prior to a determination by the student’s previous LEA as to whether the student is a student with a disability. However, this only applies if the former LEA and the parent agree to a specific time when the evaluation will be completed.

B-7. How is a “calendar day” defined for the child find timeline, and are any days excluded?

IDEA defines a “day” as a “calendar day,” unless otherwise indicated as a business day or school day; including weekends. ([34 C.F.R. § 300.11](#)) Pursuant to [Rule 6A-6.0331\(3\)\(g\), F.A.C.](#), the following calendar days are not to be counted toward the 60-calendar-day requirement:

- All school holidays and Thanksgiving, winter and spring breaks as adopted by the LEA;
- The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the LEA; however, the LEA is not prohibited from conducting evaluations during the summer vacation period; and
- In the circumstance when a student is absent for more than eight school days in the 60-calendar-day period, the students’ absences shall not be counted toward the 60-calendar-day requirement.

B-8. What are an LEA’s obligations for tracking the child find timelines?

The LEA is required to monitor and document all aspects of child find to ensure compliance. ([34 C.F.R. §§ 300.131](#) through [300.138](#))

B-9. How can parents request an evaluation?

Parents can submit a request to their LEA through a child find referral system, such as Florida Diagnostic and Learning Resources System. Within the first 30 calendar days of receipt of the request for an evaluation, the LEA may provide parent-related forms or schedule meetings that may assist in the determination of whether the student will be evaluated. LEAs should ensure that all requests for documentation (e.g., medical diagnoses, screenings or assessments) are reasonable and necessary and do not create a delay or pose an undue burden on families. Given the broad nature of the child find

obligation to seek and “find” all eligible students, LEAs should carefully evaluate all parental requests for evaluation to determine if there is reason to suspect that the student may have a disability.

B-10. Must an LEA evaluate all parentally-placed private school students whose parents have requested an evaluation?

No. LEAs must evaluate any student who is suspected of having a disability. However, if the LEA does not see justification for proceeding with an evaluation, it must provide a written notice of refusal within 30 days of the initial request. ([Rule 6A-6.0331, F.A.C.](#))

The written notice must describe the justification for denying the evaluation request in accordance with [34 C.F.R. § 300.503](#) and [Rule 6A-6.03311, F.A.C.](#)

B-11. Does IDEA specify what information parents must provide when requesting a student evaluation for a parentally-placed private school student?

No. Though no official documentation is required to initiate the child find timeline, parents must provide some evidence or articulate their reasoning why they suspect the student has a qualifying IDEA disability.

B-12. Which LEA should perform a student's initial evaluation?

If the parent's goal in seeking an evaluation is to determine eligibility and to enable the student to be considered for ESE and related services, the LEA where the private school is located should evaluate the student. If the parent is seeking an evaluation in order to access FAPE services, the evaluation should be requested from the LEA where the student resides. If the student also resides in the LEA where the private school is located, then that LEA would also be responsible for making FAPE available to the student. If the evaluations are conducted for different purposes, parents may request an evaluation from the LEA where the student resides and the LEA where the private school is located.

B-13. Should two LEAs conduct separate evaluations?

No. Although it is possible for two LEAs to conduct separate evaluations, the USED, OSEP and the Office of Special Education and Rehabilitative Services (OSERS) believe the student's best interests would not be served when two LEAs conduct separate evaluations. One LEA may not know that a parent also requested an evaluation from another LEA. Furthermore, subjecting a student to repeated testing by separate LEAs in close proximity of time may not be the most effective or desirable way to ensure that the evaluations are meaningful measures of whether a student has a disability or of obtaining an appropriate assessment of the students' educational needs.

B-14. Who is responsible for vision and hearing screenings before an evaluation for parentally-placed private school students?

LEAs are responsible for conducting all screenings necessary to make eligibility determinations for ESE and related services. ([34 C.F.R. § 300.304](#); [Rule 6A-6.0331\(1\)\(d\), F.A.C.](#)) These screenings are designed to aid in detecting students who have or are at risk for developing vision and/or hearing impairments. Parents may submit forms from their physicians indicating that hearing and vision screenings were performed, which the LEA can consider. Because the child find obligation rests with the LEA, they must arrange all necessary screenings if previous results cannot be used or obtained from another source.

B-15. Can an LEA require private schools to implement intervention systems before evaluating a student?

No. Private schools are not required to implement intervention systems, such as response to intervention or multi-tiered systems of support, before evaluating a student. If, during

the evaluation, the LEA determines that more data are needed from the private school, the LEA should collaborate with the representatives of parents and the private school, as appropriate, to gather any additional information.

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. ([34 C.F.R. § 300.306](#))

B-17. If an LEA evaluates a parentally-placed private school student and determines that the student has a disability, must the LEA develop an 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 (FES-UA) 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 eligibility and, if found eligible, develop an IEP.

B-18. Can the LEA where the private school is located and the LEA of the student's residence share information about a parentally-placed private school student (e.g., the results of an evaluation)?

In accordance with [34 C.F.R. § 300.622](#), the LEA where the private school is located must obtain parental consent before the student's personally identifiable information (PII) is released to the LEA of the student's residence. If sharing information would facilitate identifying and serving the student (e.g., facilitating the ability of the LEA of the students' residence to make FAPE available to the student), the LEA should seek parental consent. While the LEA may request parental permission to share evaluation information, the LEA cannot require parental consent.

Regarding a student who is either enrolled in or about to be enrolled in a private school not located in the LEA of the student's residence, parental consent must first be obtained prior to the release of any PII between the LEA where the private school is located and the LEA of the student's residence. ([34 C.F.R. § 300.622\(b\)\(3\)](#))

B-19. Can a parent request an evaluation from the LEA of the student's residence?

Yes. The parent can always request an evaluation from the LEA of the student's residence. In such a case, the LEA has the option to either conduct the evaluation or issue a written notice of refusal to evaluate. In that circumstance, the parents can initiate due process proceedings. The LEA of the student's residence cannot refuse to evaluate the student on the grounds that the student is attending a private school, or because the LEA where the private school is located also has an evaluation duty.

B-20. Must an LEA share school, medical and testing results with parents?

Yes. The LEA must permit the parent to inspect and review any education records relating to the student that is collected, maintained or used by the LEA. ([34 C.F.R. § 300.613](#)) The LEA must comply with such a request without unnecessary delay and before any meeting regarding an IEP. The parent has the right to:

- A response from the LEA to reasonable requests for explanations and interpretations of the records;
- Request that the LEA provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- Have a representative of the parent inspect and review the records.

The LEA may presume that the parent has authority to inspect and review records relating to the student, unless the LEA receives competent legal advice that the parent does not have such authority under applicable state law governing such matters as guardianship, separation and divorce.

B-21. Must the timing of child find for private school students be comparable to child find for public school students?

Yes. An LEA's child find activities must be comparable and equitable for both student groups, including the timing of the activities. ([34 C.F.R. § 300.131\(e\)](#)) Typically, with students enrolled in public schools, individual evaluations must be completed within 60 days of obtaining parental consent. The LEA must also ensure that the eligibility determination is not unreasonably delayed. ([34 C.F.R. § 300.301\(c\)](#))

B-22. Can an LEA choose not to evaluate a student that is suspected of having a certain disability?

No. An LEA is responsible for locating, identifying and evaluating all students with disabilities within its jurisdiction. An LEA may not exclude students suspected of having certain disabilities, e.g., specific learning disabilities, emotional or behavioral disabilities, autism spectrum disorder and any other health impairment.

B-23. How does Florida assign child find responsibilities for out-of-state students who attend private schools in the state?

Child find responsibilities for parentally-placed private school students are the same regardless of where the student resides, including out-of-state students. ([34 C.F.R. § 300.131\(f\)](#)) The LEA where the private school is located remains the responsible party for child find activities for those students attending private, including religious, elementary and secondary schools located in the district. ([34 C.F.R. § 300.131\(a\)](#))

B-24. Can an LEA limit students' evaluations to a specific time frame during the school year?

No. Such a limitation would violate the LEA's child find obligations. Child find is an ongoing obligation to locate, identify and evaluate all students suspected of having a

disability who may have a need for ESE and related services. Because students' needs are often fluid, a student may be evaluated at one point in the year and later be found to require services. Similar to public schools, if a parent requests an evaluation during extended vacations, the timeline does not begin until students have returned from vacation. However, the LEA is not prohibited from conducting evaluations during the summer vacation. ([Rule 6A-6.0331, F.A.C.](#))

B-25. What evaluation criteria must the LEA meet when assessing parentally-placed private school students 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. ([34 C.F.R. §§ 300.304 through 300.306](#))

When conducting an evaluation, the LEA must:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the student, including information provided by the parent, that may assist in determining whether the student has a disability;
- Not use any single measure or assessment as the sole criterion for determining whether a student has a disability and for determining an appropriate educational program for the student; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors. ([34 C.F.R. §§ 300.304 through 300.306](#))

B-26. Are LEAs required to conduct triennial reevaluations of parentally-placed private school students with disabilities?

Yes. LEAs are responsible for ensuring reevaluations are conducted at least once every three years, unless the parent and the LEA agree that a reevaluation is not necessary. ([34 C.F.R. § 300.303\(b\)](#)) 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. ([34 C.F.R. §§ 300.133, 300.303 and 300.305](#))

B-27. What is the procedure for conducting reevaluations of parentally-placed private school students?

The three-year reevaluation requirement applies to all eligible parentally-placed private school students, including those eligible students not currently receiving services from the LEA. ([34 C.F.R. § 300.303\(b\)](#)) The LEA where the private school is located ensures that the reevaluation is conducted. The LEA has flexibility as to how this is accomplished. For example, the LEA may assume the responsibility through another LEA (such as the LEA of the student's residence) or make other arrangements.

[\(34 C.F.R. § 300.131\)](#) The LEA should establish a procedure for notifying the private school and the parents that a reevaluation is due to ensure that the reevaluation is completed in a timely manner.

B-28. What happens if a parent fails to provide consent for a formal assessment as part of a reevaluation?

If a parent does not provide consent for a reevaluation or fails to respond to a request to provide consent, the LEA is not required to consider the student as eligible for services as a parentally-placed private school student with a disability. Reasonable efforts to obtain parental consent require an LEA to thoroughly document their attempts to obtain that consent, including detailed records of telephone calls made or attempted and the results of those calls; emails; and copies of correspondence sent to the parents and any responses received. [\(34 C.F.R. § 300.300\(c\)\(1\) and \(2\)\)](#)

B-29. Does a student's eligibility terminate if, through the reevaluation process, the consultation team determines that a parentally-placed private school student is no longer eligible as a student with a disability?

Yes. If the consultation team, and other qualified individuals, as appropriate, determines that the student is no longer eligible for services as a student with a disability, the student's eligibility must be terminated. Following termination, the student would no longer be eligible for services as a parentally-placed private school student with a disability under IDEA. [\(34 C.F.R. § 300.305\(e\)\)](#)

B-30. What are parents' rights if they disagree with the child find determination?

A parent that disagrees with the child find determination or feels that the student was not tested in all areas of suspected disability may request an independent educational evaluation (IEE) at public expense. [\(34 C.F.R. § 300.502\)](#) A parent may also file a due process complaint [\(34 C.F.R. § 300.140\)](#) or a state complaint. [\(34 C.F.R. §§ 300.151 through 300.153\)](#)

B-31. What are an LEA's responsibilities when a parent requests an 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 public expense. The LEA may ask for the parent's reasoning 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. [\(34 C.F.R. § 300.502\(a\)\(3\)\)](#)

B-32. Must students transferring into Florida from another state with an active IEP or services plan be subject to the same child find timeline as a student undergoing an initial evaluation?

The new LEA must either conduct an evaluation that meets the requirements of [34 C.F.R. §§ 300.304](#) through [300.306](#), if determined necessary, or they must develop, adopt and implement a new IEP for the student. If the student is a parentally-placed private school student, the LEA may use the results of the new evaluation to generate a services plan. ([34 C.F.R. § 300.138](#)) If the student enrolls in a public school, FAPE must be provided, including services comparable to those in the student’s IEP from the previous LEA, until an IEP is developed. ([34 C.F.R. § 300.323](#)) Additionally, while IDEA does not specifically address a student whose IEP or services plan is transferred while “expired” or past the annual review date, it is unreasonable for LEAs not to provide support to these students while developing a new IEP or services plan.

B-33. When a student transfers to another state, how can the former and new LEA facilitate the transmittal of records?

To ensure a smooth transition for the student, the new LEA must take reasonable steps to promptly obtain the student’s records, including the IEP and supporting documents and any other records relating to the provision of ESE or related services to the student, from the previous LEA in which the student was enrolled, and the previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from the new LEA. ([34 C.F.R. § 300.323\(g\)](#))

B-34. Can an LEA delay a student’s evaluation due to a lack of staffing?

No. Lack of staffing cannot justify a delay in conducting a student’s evaluation. LEAs must adhere to the federal and state 60-day statutory timeline for conducting evaluations and determining eligibility. ([34 C.F.R. § 300.301\(c\)](#) and [Rule 6A-6.0331, F.A.C.](#))

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 and representatives of parents of parentally-placed private school students 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 parentally-placed private school students 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. ([34 C.F.R. § 300.134\(c\)](#))

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. ([34 C.F.R. § 300.134\(c\)](#))

The needs, number and location of parentally-placed private school students 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 parentally-placed private school children with disabilities” that must be included in consultation?

IDEA does not contain a definition of representatives of parents of parentally-placed private school students with disabilities. Additionally, IDEA does not specify which individuals must be included in the consultation process as representatives of parents of parentally-placed private school students 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 parentally-placed private school students 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. How parentally-placed private school students suspected of having a disability can participate equitably, including how parents, teachers and private school officials will be informed of the process;
- Proportionate share of funds. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated;

- Consultation process. How the consultation process will operate throughout the school year to ensure that parentally-placed private school students with disabilities identified through the child find process can meaningfully participate in ESE and related services;
- Provision of ESE and related services. How, where and by whom ESE and related services will be provided, including a discussion of types of services (direct services and alternate service-delivery mechanisms), as well as how the services will be apportioned if funds are insufficient to serve all students—and how and when those decisions will be made; and
- Written explanation by the LEA regarding services. How, if the LEA representatives disagree with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to adopt the recommendations of the private school.

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 an 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 parentally-placed private school students with disabilities. ([34 C.F.R. § 300.137\(b\)\(2\)](#))

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. ([34 C.F.R. § 300.135](#))

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 requires 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 parentally-placed private school students 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 (e.g., the LEA did not engage in meaningful or timely consultation or failed to consider the views of the private school), 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. ([34 C.F.R. § 300.136](#))

D. Equitable ESE and Related Services

D-1. What types of equitable ESE and related services does an LEA provide to parentally-placed private school students with disabilities?

An LEA must provide IDEA-eligible parentally-placed private school students with an opportunity for equitable participation in the range of IDEA services the LEA makes available to its population of parentally-placed private school students with disabilities. IDEA provides that LEAs are not required to serve all such students with a full range of services of those students they do choose to serve. ([34 C.F.R. § 300.138\(a\)\(2\)](#)) For example, the LEA may elect to provide indirect rather than direct services. An LEA's offer of equitable ESE and related services must always be based on the needs of students with disabilities and supported by data. The specific types of services to be provided for students designated to receive services are obtained during consultation with the LEA, private school representatives and representatives of parents. While decisions about services may not be made in advance or in the absence of timely and meaningful consultation, the LEA makes the final decision regarding the services provided. The LEA

should explain its rationale for the services and meaningfully incorporate feedback from the private school representatives and representatives of parents. To the extent that the LEA does not accept the recommendations of the private school officials, the LEA must provide a written rationale for its decision. ([34 C.F.R. §§ 300.132, 300.137 and 300.138](#))

D-2. Who can provide equitable ESE and related services to parentally-placed private school students?

An LEA may provide equitable ESE and related services to a private school directly or through a third-party provider. ([34 C.F.R. § 300.138\(c\)](#)) Private school staff members can also deliver services outside of their contractual obligations to the private school, provided that the private school staff member is hired and supervised by the LEA or the third-party provider while delivering equitable ESE and related services to private school students. An LEA may use IDEA Part B funds to make public school personnel available to provide services in private facilities: (1) to the extent necessary to provide equitable ESE and related services for parentally-placed private school students with disabilities; and (2) if the private school does not normally provide those services. ([34 C.F.R. § 300.142\(a\)](#))

D-3. Can an LEA use a faith-based third-party provider to deliver equitable ESE and related services?

Yes. Neither IDEA nor Florida law precludes LEAs from working with a faith-based provider to deliver services to private school students, so long as the third-party provider is independent of the private school. LEAs cannot discriminate against an organization based on its religious character.

D-4. Are private school personnel who are providing equitable ESE and related services under IDEA required to meet the highly qualified ESE teacher requirements?

No. Private elementary and secondary school teachers providing equitable ESE and related services to parentally-placed private school students with disabilities are not required to meet the highly qualified ESE teacher requirement.

D-5. Is there any federal or state requirement that specifies the location where equitable ESE and related services may be provided?

No. Equitable ESE and related services may be provided on site at the private school, including religiously affiliated private schools, a public school or some other mutually agreed upon site. ([34 C.F.R. § 300.139](#)) In accordance with the USED, services should be provided on site at the student's private school unless there is a "compelling rationale" for the services to be delivered off site to prevent an undue interruption to the student's general education program.

Note that when a virtual private school lacks a clear physical location, the FDOE must determine which LEA will provide equitable ESE and related services to students with disabilities attending that private school, pursuant to guidance from OSERS. When assigning such responsibility, the FDOE should consider the input of the relevant LEAs

and private schools. The state should provide a rationale for making a particular LEA responsible for the equitable services, such as the LEA's connection to the student's place of residence.

D-6. If equitable ESE and related services are provided at a location other than the private school, who is responsible for transportation?

If transportation is required for a student to benefit from or participate in the services provided, then the LEA must provide transportation from the student's school or the student's home to a site other than the private school, and from the service site to the private school or to the student's home. ([34 C.F.R. § 300.139\(b\)\(1\)](#)) The LEA is not required to provide transportation between the student's home and the private school. The LEA's transportation costs may be included in the expenditures toward satisfying the proportionate share amount. ([34 C.F.R. § 300.139\(b\)\(2\)](#))

D-7. Does IDEA permit professional learning for private school teachers?

Yes. IDEA does not exclude professional learning for private school teachers, as a means of facilitating ESE and related services for parentally-placed private school students with disabilities. ([34 C.F.R. § 300.134\(d\)](#))

D-8. Can LEAs place equipment and supplies for equitable ESE and related services in a private school?

Yes. However, this equipment and supplies for equitable ESE and related services are, and remain, the property of the LEA. They may be placed in a private school only for the time the program requires the equipment and supplies. ([34 C.F.R. § 300.144\(b\)](#)) Such equipment and supplies must be restricted to meeting the LEA's obligations under IDEA Part B for parentally-placed private school students. ([34 C.F.R. § 300.144\(c\)](#)) The LEA must remove the equipment and supplies from the private school when they are no longer needed for IDEA Part B purposes, or if necessary to avoid unauthorized use of the equipment and supplies for non-IDEA purposes. ([34 C.F.R. § 300.144\(d\)](#))

D-9. Can assistive technology devices be provided to parentally-placed private school students with disabilities?

Yes. If the services plan team determines that a student needs assistive technology devices as specially designed instruction, related services or supplementary aids and services, and these devices are included in the services the LEA has agreed to provide through its ESE and related services obligation, then they may be provided to these students. ([34 C.F.R. § 300.138\(a\)\(2\)](#)) However, equitable ESE and related services, including materials and equipment, must be secular, neutral and nonideological. ([34 C.F.R. § 300.138\(c\)\(2\)](#))

D-10. If a prekindergarten (PreK) student attends a program housed at a private elementary school and attends public school for a portion of the day to receive services, is that student considered a parentally-placed private school student?

No. If the LEA offers placement in a private school as a means for providing FAPE, the student would no longer be considered parentally-placed. However, the LEA could also elect to provide equitable ESE and related services to a private school student without changing the placement. In that case, the student would remain parentally-placed in private school.

D-11. Are students who are identified solely as gifted students considered parentally-placed private school students for whom an LEA must ensure equitable participation?

No. IDEA and corresponding state requirements apply only to students with disabilities. LEAs may elect to provide services to gifted students who are enrolled in private schools, but IDEA funds cannot be used to provide services to those students unless they also have qualifying disabilities as stated in [34 C.F.R. § 300.130](#).

D-12. What documentation is required for a parentally-placed private school student to access equitable ESE and related services?

To access equitable ESE and related services under IDEA Part B, the student must have a services plan developed through consultation between the LEA, private school representatives and the representatives of the parents. ([34 C.F.R. § 300.132](#))

E. Services Plans

E-1. If a private school did not participate in meaningful consultation, can an LEA still create a services plan for those students enrolled in that private school?

Yes. An LEA can still create a services plan for those students enrolled in that private school if:

- The student with a disability requires ESE or related services for that school year;
- A private school representative participates in meetings to develop, review and revise a services plan for the student; ([34 C.F.R. § 300.137\(c\)](#)) and
- The LEA has designated ESE or related services to be provided to the student.

E-2. How should LEAs develop a services plan for a parentally-placed private school student with a disability?

Each student with a disability who has been designated to receive services under [34 C.F.R. § 300.132](#) must have a services plan that describes the specific ESE and related services that the LEA will provide to the student in light of the services that the LEA has determined, through the process described in [34 C.F.R. §§ 300.134](#) and [300.137](#), that they will make available to parentally-placed private school student with disabilities. ([34 C.F.R. § 300.138\(b\)\(2\)](#)) The services plan only needs to include information related to those specific services that the LEA has determined the student will receive in accordance with the consultative agreement per [34 C.F.R. § 300.138](#).

E-3. Who must be present during the development of a services plan?

The LEA must ensure that a representative of the private school attends each meeting for the development of a services plan. If they cannot attend, then other methods, such as individual video or conference telephone calls, should be used to facilitate the representative's participation. ([34 C.F.R. § 300.137](#))

E-4. Does IDEA state how often a services plan should be updated?

Not specifically. IDEA requires that services plans should be updated "to the extent appropriate," as well as developed, reviewed and revised consistent with [34 C.F.R. §§ 300.321](#) through [300.324](#). Per IDEA regulations ([34 C.F.R. § 300.138\(b\)\(2\)\(ii\)](#)), this requirement generally requires an annual review to determine a student's progress toward meeting goals and whether any revisions are necessary.

E-5. Can an IEP be used as a services plan?

No. A services plan is very different from an IEP in that it provides a written statement describing only the specific ESE and related services that the LEA will provide to the student, in light of the services that the LEA has determined they will make available to parentally-placed private school students with disabilities. ([Rule 6A-6.030281, F.A.C.](#)) A services plan only describes the services offered by the LEA and are only relevant to ESE and related services.

In contrast, an IEP describes the details of FAPE and provides the full range of services under IDEA Part B. Therefore, an IEP is never appropriate as a services plan, as it contains additional information that might imply that the student is entitled to FAPE. ([34 C.F.R. § 300.138](#)) Moreover, parents of a student in a private school are not entitled to the same procedural safeguard protections as students with disabilities in a public school. In addition, the least restrictive environment is not a component for consideration in the development and implementation of a services plan. In sum, there is no entitlement to FAPE when parents unilaterally place the student in a private school.

E-6. Are there any circumstances in which a private school student should receive services under both an IEP and a services plan?

No. Private school students cannot receive services under an IEP because the IEP documents the education and services the LEA will offer to provide FAPE. A parentally-placed private school student does not have a right to FAPE. However, if the student is enrolled in the FES-UA, the student will automatically receive a matrix of services score that may be based upon an IEP. While a parentally-placed private school student is enrolled in a private school, an IEP and resulting matrix of services score is for funding purposes only, and neither the IEP, nor the matrix of services score, shows the services that will be provided to the student. (See Section H).

F. Proportionate Share Calculation

F-1. How is the proportionate share for parentally-placed private school students with disabilities calculated?

All students who have been evaluated and found eligible for ESE and related services—not solely those students who receive services through an IEP or services plan—must be included in the count to calculate the proportionate share. ([34 C.F.R. §§ 300.132\(c\)](#) and [300.133\(c\)](#)) 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. ([34 C.F.R. § 300.133\(a\)](#)) 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.

LEAs must spend a proportionate share of their federal funding to provide ESE and related services to the total number of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools, located within their boundaries, whether the students or their parents reside in the LEA. ([34 C.F.R. §§ 300.132](#) and [300.133\(a\)](#)) Parentally-placed private school students with disabilities can receive a different number of services than students with disabilities in public schools. ([34 C.F.R. § 300.138\(a\)\(2\)](#)) Therefore, it is possible that some parentally-placed private school students with disabilities will not receive any services, while other students will receive services. The proportionate share calculation is described in [34 C.F.R. § 300.133](#). See also [Appendix B to Part 300—Proportionate Share Calculation](#), which provides an example of how to calculate proportionate share.

F-2. Are students participating in home education programs included in the eligible count of parentally-placed private school students?

No. Florida students enrolled in home education programs are not considered parentally-placed private school students. ([s. 1002.01, F.S.](#)) In accordance with [s. 1002.41, F.S.](#), the definition of private school excludes home education programs.

F-3. Does IDEA state when LEAs should collect the count of parentally-placed private school students?

Yes. LEAs should count eligible parentally-placed private school students on any date, between October 1 and December 1 of each year. ([34 C.F.R. § 300.132](#))

F-4. Are students who were not included in the proportionate share count still eligible for services?

Yes. Parentally-placed private school students found eligible after the proportionate share count is completed can still be considered for services during that school year. ([34 C.F.R. § 300.133\(c\)](#))

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

Costs must be allocable to providing ESE and related services for parentally-placed private school students 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. ([34 C.F.R. § 300.131\(d\)](#)) Additionally, costs cannot be allocable to the needs of the private school or the general needs of the students enrolled in a private school. ([34 C.F.R. §§ 300.141 through 300.144](#)) State and local funds may supplement, but not supplant, the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities. ([34 C.F.R. § 300.133\(d\)](#)) Costs must be necessary and reasonable, allocable and adequately documented. ([2 C.F.R. §§ 200.403 through 200.405](#))

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 per [34 C.F.R. §§ 300.141 and 300.144](#). An LEA may also use federal funds to reimburse an individual private school teacher, principal or other school staff for professional learning that the LEA has pre-approved, and that meets the reasonable and necessary cost principles of the Office of Management and Budget. ([2 C.F.R. § 200](#))

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 parentally-placed private school students with disabilities?

No. The statutory provisions regarding child find and participation of parentally-placed private school students 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. ([34 C.F.R. § 300.131\(d\)](#))

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 parentally-placed private school students with disabilities. If an LEA has not expended all the funds by the end of a 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. ([34 C.F.R. § 133\(a\)](#)) When funds are spent, the LEAs financial obligation ends for that fiscal year. ([34 C.F.R. § 300.133](#))

F-10. Are parentally-placed private school students reported through the state’s automated student database?

Yes. Parentally-placed private school students receiving services through a services plan must be reported for each designated survey period during the school year. Refer to FDOE’s Database Manual, available through the [PK-12 Education Information Services \(EIS\) web page](#) for additional information. ([ss. 1001.52](#) and [1008.385, F.S.](#), and [Rule 6A-1.0014, F.A.C.](#))

F-11. Is data reported for parentally-placed private school students who are not receiving services?

Yes. Each LEA must maintain records, and provide to the FDOE the following information related to parentally-placed private school students per [34 C.F.R. §§ 300.130](#) and [300.144](#):

- The number of students evaluated;
- The number of students determined to be students with disabilities; and
- The number of students served. ([34 C.F.R. § 300.132\(c\)](#))

F-12. Is the proportionate share calculation only applicable to IDEA Part B entitlement funds?

No. The proportionate share calculation applies to IDEA Part B entitlement funds, as well as PreK funds. (See [Appendix B to Part 300—Proportionate Share Calculation](#), which provides an example how to calculate proportionate share.)

G. Procedural Safeguards

G-1. Do parentally-placed private school students with disabilities have the same due process hearing rights as students with disabilities enrolled in public schools?

No. In contrast to students with disabilities enrolled in public schools, such students’ due process rights are limited. A due process hearing is not available, except in child find disputes. ([34 C.F.R. § 300.140\(b\)](#)) Therefore, while the due process procedures described in IDEA regulations apply to issues involving the identification and evaluation of

parentally-placed private school students with disabilities, including reevaluations, those related to the provision of services to a particular student do not. ([34 C.F.R. §§ 300.504 through 300.519](#)) This means an LEA is not required to pay for educating a student with a disability at a private school, including ESE and related services, if the LEA made FAPE available and the parents voluntarily decided to place the student in a private school. Parentally-placed private school students with a disability have no individual rights to receive some or all the ESE and related services that they would receive in a public school. ([34 C.F.R. § 300.137](#))

G-2. Do IDEA’s state complaint procedures apply to parentally-placed private school students as they do for students with disabilities enrolled in public schools?

Yes. Any complaint alleging that the FDOE or an LEA has failed to meet the requirements of [34 C.F.R. §§ 300.132 through 300.135](#), and [300.137 through 300.144](#), must be filed in accordance with the state complaint procedures per [34 C.F.R. §§ 300.151 through 300.153](#). ([34 C.F.R. § 300.140\(c\)](#)) This means that a parent, a private school official or another individual or organization may file a state complaint alleging that the LEA or other public agency serving the student failed to meet any of IDEA’s ESE and related services requirements. This includes, for example, a complaint by a private school official that the LEA failed to engage in timely and meaningful consultation. A signed written complaint must be submitted to the FDOE and forwarded to the LEA serving the student when the complaint is filed. LEAs must also provide aggrieved parties with an opportunity to voluntarily engage in the mediation process, consistent with [34 C.F.R. §§ 300.152\(a\)\(3\)\(ii\)](#) and [300.506](#), to resolve their disputes.

H. FES-UA for Parentally-Placed Private School Students with Disabilities

H-1. Can a student receive both scholarship funds under FES-UA and equitable services under an LEA’s services plan for parentally-placed private school students with disabilities?

Yes. While a parentally-placed private school student must meet the qualifications for the FES-UA, whether the student receives a scholarship has no bearing on whether a student is designated by an LEA to receive equitable services via a services plan. ([34 C.F.R. § 300.132](#))

H-2. Is a current IEP required when applying for the FES-UA?

No. A parent may submit either a written IEP or a diagnosis of a disability from a licensed physician or psychologist. ([s. 1002.394\(3\)\(b\)4., F.S.](#)) These documents are submitted to a state-approved scholarship funding organization. Visit the [Family Empowerment Scholarship web page](#) for more information.

H-3. Must services be provided by the LEA to a student in a parentally-placed private school based upon an IEP?

No. Although FES-UA funds may be used for services set out in statute, in accordance with [s. 1002.394\(4\)\(b\), F.S.](#), an LEA may provide services to a parentally-placed private

school student using IDEA funds under a services plan—not an IEP—and only where the student has been designated by the LEA to receive ESE and related services. ([34 C.F.R. 300.132](#) and [300.138](#))

H-4. How is an IEP used for a parentally-placed private school student?

An IEP serves two purposes for a parentally-placed private school student: (1) It may be used as a part of establishing eligibility for the FES-UA, and (2) it may be used to determine the level of funding the student is authorized to receive under the scholarship statute. ([s. 1002.394\(3\)\(b\), F.S.](#))

H-5. How is an IEP used in determining the level of funding for the FES-UA?

When a student participates in the FES-UA, the student will either receive a funding level of 251 through 253, or a funding level that is reflective of the student’s matrix of services score based upon the services and supports set out in the IEP. ([s. 1002.394\(12\)\(b\), F.S.](#)) However, this score only determines the funds that the student is eligible to receive, not the services that will be provided.

H-6. Can a parent of a student who is eligible for the FES-UA based upon a medical diagnosis request the completion of an IEP?

Yes. A parent can request that the LEA where the student resides complete an IEP and a matrix of services. ([s. 1002.394\(7\)\(b\), F.S.](#)) However, in lieu of completing an IEP, an LEA is authorized, for scholarship purposes only, to complete a matrix of services, based upon the student’s evaluation(s) and plan(s) of care completed by the licensed medical professional, and used to determine eligibility for the scholarship. ([s. 1002.394\(7\)\(b\)1., F.S.](#)) The matrix of services score may result in funding at a higher or lower level for the student.

H-7. Can an LEA update the matrix of services score?

Yes. An LEA can change a matrix of services score only if the change is a result of an initial IEP team meeting; an IEP reevaluation; or to correct a technical, typographical or calculation error. ([s. 1002.394\(7\)\(b\)2.c., F.S.](#))

H-8. Are students participating in the FES-UA included in the eligible count as parentally-placed private school students?

Yes. As long as a student continues to be identified as a student with a disability, and is parentally-placed in a non-profit private, including religious, elementary or secondary school, that student must be included in the annual count. However, if a student is no longer eligible for ESE, that student would not be counted among the eligible students. ([34 C.F.R. § 300.130](#))

Appendix A: Bibliography

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Appendix B: Glossary

Terms	Definitions
Accommodations	Changes that can be made in the way the student accesses information and demonstrates performance. Accommodations involve the use of various strategies, assistive technologies, flexibility in the schedule or environment, or support from a person to increase, maintain or improve the performance of a student with disabilities working through general education curriculum standards. Determining the intensity of the accommodations will be critical to determining the appropriate level of ratings.
Assessments	Tools or ways of collecting information about a student’s knowledge, skills and needs. Assessments may include formal and informal tests, observations and/or review of students’ portfolios or work samples. Also, see “evaluation” and “transition assessment.”
Assistive Technology	Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of a student with a disability. It does not include a medical device that is surgically implanted, or the replacement of that device. Examples of assistive technology devices include remote-controlled switches, expanded keyboards and speech output devices.
Assistive Technology Device	Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted or the replacement of that device.
Assistive Technology Service	Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition or use of an assistive technology device.
Charter School	Charter school means a school that is a public school created under Florida’s charter school law. (s. 1002.33, F.S.)
Consent	<ol style="list-style-type: none"> 1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; 2. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and 3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
Consultation	Sharing of information between teachers, families, agencies and others in order to address the student’s needs. In order to be checked on the matrix of services, consultation must be regularly scheduled and conducted face-to-face or virtually, as defined in each domain. Written exchange among professionals does not constitute a virtual meeting; however, written exchange with families is allowable for consultation.

Terms	Definitions
Cost Allocation Plan	Document that identifies, accumulates and distributes allowable direct and indirect cost to cost objectives. The plan also identifies the allocation methods used for distribution of cost objectives, on the basis of relative benefits received.
Data	Specific information or facts that are collected, such as date of entry into a program, age or reading level. Sources of data may include attendance records, referrals, assessments or interviews. A data item is usually a discrete or single measure.
Day; business day; school day	Day means calendar day unless otherwise indicated as business day or school day. Business day means Monday through Friday, except for federal and state holidays (unless holidays are specifically included in the designation of business day). School day means any day, including a partial day, that students are in attendance at school for instructional purposes. School day has the same meaning for all students in school, including students with and without disabilities.
Disability	A condition that makes it difficult for a student to learn or do things in the same ways as most other students. A disability may be short term or permanent.
Eligible	The term eligible, in reference to a student who is an exceptional student as defined in Rules 6A-6.03011 through 6A-6.03031, F.A.C., means any child or youth who requires special instruction or related services and is enrolled in or eligible for enrollment in the public schools of a district.
Evaluation	A way of collecting information about a student’s learning needs, strengths and interests. It is used to help decide whether a student has a disability and is eligible for ESE programs and services. It may include giving individual tests, observing the child, looking at records and talking with the student and parents. Also see “assessments” and “transition assessment.”
Exceptional Student Education (ESE)	The name given in Florida to educational programs and services for students with special learning needs (including those who have disabilities and those who are gifted). It is sometimes called “special education.”
Fiscal Year	A federal fiscal year is a period beginning on October 1st and ending on the following September 30th (34 C.F.R. § 77.1) and a state fiscal year is a period beginning on July 1st and ending on the following June 30th.
Free Appropriate Public Education (FAPE)	FAPE refers to language used in the federal law to describe the right of a student, ages 3 through 21, with a disability to special services that will meet his or her individual learning needs, at no cost to parents.
Frequency	The number of times a service occurs.
Individual Educational Plan (IEP)	The IEP is a written plan that describes the individual learning needs of a student with disabilities and the ESE services, supports, aids and accommodations, or modifications that will be provided to that student. The IEP team meeting refers to the meeting that the IEP team holds to write the IEP. The IEP team must meet at least once a year to review the IEP to determine whether the annual goals are being achieved. The IEP may be revised, as appropriate, to address any lack of expected progress, the results of any reevaluations, information about the student provided by the parent, the student’s anticipated needs, or other matters. Parents must approve any changes to IEP goals. In addition to the required annual IEP team meeting, changes can be made to the IEP during an IEP team meeting held after the annual meeting, or, with the agreement of the parent and the district, without convening the IEP team.

Terms	Definitions
Individuals with Disabilities Education Act (IDEA)	IDEA is the most important United States law regarding the education of students with disabilities.
Least Restrictive Environment (LRE)	The school setting (placement) that allows a child with a disability to be educated to the greatest extent possible with children who do not have disabilities.
Local Educational Agency (LEA)	A public board of education or other public authority legally constituted within a state for either administrative control of or direction of, or to perform service functions for, public elementary or secondary schools in a city, county, township, school district or other political subdivision of a state; or such combination of school districts or counties a state recognizes as an administrative agency for its public elementary or secondary schools. Any other public institution or agency that has administrative control and direction of a public elementary school or secondary school.
Mediation	Mediation is a process in which parents and school personnel try to settle disagreements with the help of a person who has been trained to resolve conflicts. It may also be used to help parents and adult students with disabilities to resolve disagreements about the student's education.
Memorandum of Understanding (MOU)	An MOU is an agreement developed and executed among parties that specify roles in a joint operation.
Modifications	Alterations, transformations and variations provided to curriculum, instruction, materials or equipment.
Multi-Tiered System of Supports	MTSS is a multi-tiered system of supports that wraps around an entire school. As a system-level structure, it provides academic, behavioral and attendance support for all students. Data are gathered and utilized to address academic and non-academic needs, such as attendance and social-emotional concerns, ensuring a holistic approach to support.
Non-profit	As applied to an agency, organization or institution, the term "non-profit" means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity. (34 C.F.R. § 77.1)
Private, Non-profit organization	An agency, organization or institution, not under federal or public supervision or control, that is owned by one or more individuals, partnerships, corporations or associations whose net earnings do or can benefit any private shareholder or entity.
Related Services	Related services refer to special help given to a student with a disability in addition to classroom teaching. Related services help a student benefit from instruction. Examples of related services include transportation, career counseling, rehabilitation counseling, occupational therapy and physical therapy.
Response to Intervention (RtI)	A multi-tier approach to the early identification and support of students with learning and behavior needs. The RtI process begins with high-quality instruction and universal screening of all children in the general education classroom.
Secondary School	A day or residential school that provides secondary education as determined under state law. In the absence of state law, the U.S. Secretary of Education may determine with respect to that state whether the term includes education beyond the 12th grade. (34 C.F.R. § 77.1)

Terms	Definitions
Services	Work or duties performed for the assistance or benefit of students with exceptionalities. May be provided either directly or indirectly to students. Direct services include instruction, therapy, counseling, personal assistance, supervision and monitoring. Indirect services include consultation and collaboration with the student’s teachers, family, agencies or others.
State Academic Standards	The State Academic Standards are a set of objectives that describe what Florida’s students are expected to know and be able to achieve at each grade level. Most students with disabilities are able to meet these standards if they have the right services and accommodations. The Benchmarks for Excellent Student Thinking (B.E.S.T.) include the K-8 grade-level standards, 9-12 content standards (placed in high school courses as appropriate) and K-12 Standards for Mathematical Practice. The B.E.S.T. standards for grades K-12 include English Language Arts as well as the content-area literacy standards for middle school and high school instruction in the following content areas: history/social studies, science and technical subjects.
State Educational Agency (SEA)	The State Board of Education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools in a state. In the absence of this officer or agency, it is an officer or agency designated by the governor or state law. (34 C.F.R. § 77.1)