

**WHITTIER AREA COOPERATIVE  
SPECIAL EDUCATION PROGRAM  
(WACSEP)**

**STUDENTS WITH DISABILITIES  
ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOLS**

**Private Schools Program**

Whittier Area Cooperative Special Education Program  
8036 South Ocean View Avenue  
Whittier, CA 90602  
(562) 945-6431

## **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA 2004) REGULATIONS**

### **Special Education Services to Students Parentally Enrolled in Private Schools**

#### *Rationale/Definition*

In accordance with IDEA 2004, local education agencies (LEAs) are required to consult with private schools, including religiously affiliated schools, and provide limited services to eligible special education pupils. The federal definition of private school students with disabilities (300.130) is "students with disabilities enrolled by their parents in private schools or facilities- other than students with disabilities covered by 300.145-300.147".

#### *Child Find*

Each LEA shall locate, identify and evaluate all private school students with disabilities, including religious school students attending in the jurisdiction of the LEA in accordance with 300.131. The activities undertaken to carry out this responsibility for private school students with disabilities must be comparable to activities undertaken for students with disabilities in public schools. Each LEA shall consult with appropriate representatives of private school students with disabilities on how to carry out the child find activities.

#### *Expenditures*

Services to special education students enrolled in private schools is based on a proportionate amount of Federal Part 8 funds. Consultation between an LEA and private schools must occur before an LEA makes any decision that affects the opportunities of private school students with disabilities to receive special education services (34 C.F.R. 300.134). Each LEA may limit the services provided to a dollar amount equal to a proportionate amount of Federal Part B funds (20 U.S.C. 1412 (a)(10)(A)(I); 34 C.F.R. 300.132).

#### *Procedures*

Every student with a disability whose parent has indicated a possible interest in enrolling in the district of residence shall receive an offer of FAPE (Free, Appropriate Public Education) from the district in which the student resides (district of residence.) For those students in grades K-12, if the parent chooses to have their student with a disability attend a private school, services will be restricted and provided through the LEA in which the private school is located

### *Services Determined*

No private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. Decisions about the services that will be provided to private school students with disabilities will be made by each LEA in consultation with representatives of private school students. The LEA shall make the final decisions with respect to the services to be provided to eligible private school students (300.137(2)).

### *Services Provided*

The services provided to private school students with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. Private school students with disabilities may receive a different amount of services than students with disabilities in public schools. No private school student with a disability is entitled to any service or to any amount of a service the student would receive if enrolled in a public school.

Services to private school students with disabilities are to be provided in accordance with a service plan that describes the specific special education and related services that the LEA will provide to the student in light of the services that the LEA has determined it will make available to private school students with disabilities.

### *Dispute Resolution*

When PAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school students unilaterally placed by their parents.

No LEA of District of Residence is required to pay for the cost of educating a student with a disability at a private school (including special education and related services) if: (1) the District of Residence made a FAPE available to the student, and (2) if the parents voluntarily elected to place their student in a private school.

Disputes regarding whether the District of Residence made a PAPE available to the student (as well as the initial location, identification, and

assessment of the parentally placed private school student with disabilities by the LEA and/or the District of Residence, as appropriate) may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.

Disputes regarding the LEA's policy regarding *Students with Disabilities Enrolled by their Parents in Private Schools* policy may be resolved pursuant to local policies and procedures, and/or by filing a complaint with the California Department of Education pursuant to Title 5 of the California Code of Regulations, section 4600 et seq.

A private school official has the right to submit a complaint to the California Department of Education under §§ 300.151 through 300.136(a) that the LEA-

- (1) Did not engage in consultation that was meaningful and timely;  
or
- (2) Did not give due consideration to the views of the private school official.

**Where do I file a complaint?**

Attn: PSRS Intake California Department of Education  
Special Education Division Procedural Safeguards Referral Service 1430 N  
Street, Suite 2401  
Sacramento, California 95814  
Phone: (800) 926-0648 Fax: (916) 327-3704

**Where do I file a request for mediation or due process hearing?**

Office of Administrative Hearings Special Education Unit 1102 Q  
Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814  
Phone: (916) 323-6878 Fax: (916) 322-8014

**District Offices**

East Whittier City School District 14535 E. Whittier Blvd. Whittier, CA 90605 562-907-5930	Los Nietos School District 8324 Westman Avenue Whittier, CA 90606 562-692-0271	Whittier City School District 7211 S. Whittier Avenue Whittier, CA 90606 562-789-3020
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El Rancho Unified School District 9333 Loch Lomond Drive Pico Rivera, CA 90660 562-801-4810	South Whittier School District 11200 Telechron Avenue Whittier, CA 90605 562-944-6231
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Little Lake City School District 1 OS15 S. Pioneer Boulevard Santa Fe Springs, CA 90670 562-868-8243	Whittier Union High School District 9401 S. Painter Avenue Whittier, CA 90605 562-698-8121
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