

Children with Disabilities in Various Educational Placements – Summary of Rights & Responsibilities

Children with disabilities who are attending →	Traditional Public Schools	Chartered Public Schools	Non-profit Private Schools, Placed by Their IEP Team	Non-profit Private Schools, Placed by their Parent(s)	For-profit Private Schools or Being Home Schooled
Students with disabilities (who have been evaluated and found eligible for special education) are:	Children with disabilities	Children with disabilities	Children with disabilities	Parentally-placed private school child with disabilities	Child eligible for special education but not currently receiving services
The student is entitled to:	A FAPE at public expense	A FAPE at public expense	A FAPE at public expense	<p>See Ed 1112.01 & cited IDEA text – If the LEA offered an appropriate program, and the parents choose to place their child in a nonprofit private school at their own expense, the child no longer has an individual right to special education services. The child is only entitled to the special education services the school district where the private school is located chooses to provide them using designated IDEA funds via an individual service plan (ISP). To make this decision, the school district consults with representatives of the private schools located in their district and of the parents whose children are privately placed.</p> <p>[§300.137(a) No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.]</p> <p>Note: If parents place a child privately because they believe the LEA school district cannot provide a FAPE, the parent(s) may file for a due process hearing to attempt to obtain district reimbursement for the private placement after providing required notice to the school district. (See Ed 1112.02). Note: Timelines are very tight.</p>	Children who are being homeschooled or who are placed by their parents in a for-profit private school have no right to special education services.

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Responsible entity:	For child find (note: includes evaluation) – the LEA where the child resides For all other steps in the special education process – the LEA where the child resides, with all major decisions made by the child's IEP team	For child find – the LEA where the child resides For all other steps in the special education process – the LEA where the child resides, with all major decisions made by the child's IEP team	For child find – the LEA where the child resides For all other steps in the special education process, with the exception of placement – the LEA where the child resides, with all major decisions made by the child's IEP team (which includes a representative of the chartered public school)	For child find and all steps in the special education process – the LEA where the private school is located Note: A parent may, at any time, opt to re-enter the public school system, and make a referral for special education evaluations to the LEA where the child resides Note: If the child attends the public school for one or more classes or for extracurricular activities, the child is protected (may receive accommodations or supports) as provided by Section 504	For child find – the LEA where the child resides For any special education – the child's parent Note: A parent may, at any time, opt to re-enter the public school system, and make a referral for special education evaluations to the LEA where the child resides Note: If the child attends the public school for one or more classes or for extracurricular activities, the child is protected (may receive accommodations or supports) as provided by Section 504
Document outlining special education and/or related services to be provided:	Individualized education program (IEP)	IEP	IEP	An Individual Services Plan (ISP) is developed for any parentally-placed private school child who is provided with special education services, as determined by the LEA in which the private school is located.	No IEP or services plan The parents would provide any documentation required for any homeschooled child with or without a disability in accordance with the home education law & rules.
Educational placement determined by:	The IEP team, but the LEA where the child resides is ultimately the responsible entity (if the IEP team cannot reach agreement, the LEA must make a proposal to which the parent can grant or deny consent)	The parent is the only person who can decide to place their child in a chartered public school. The LEA where the child resides then must work with the child's IEP team, including the parent and a representative of the chartered public school to determine how and where individualized special education and related services will be provided	The IEP team, but the LEA where the child resides is ultimately the responsible entity (if the IEP team cannot reach agreement, the LEA must make a proposal to which the parent can grant or deny consent)	The parent is responsible for determining and funding the placement (except if they decide to file for a due process hearing to attempt to obtain reimbursement for tuition based on their allegation that the LEA could not provide a FAPE)	The parent chooses this placement option and should be aware that in doing so, their child will not be entitled to receive special education or related services (unless the parent reenrolls the child in the LEA public school system)