

## Private Schools – A Question Regarding Entitlement

The quote from the webpage at <https://www.cde.ca.gov/sp/se/qa/pssummary.asp> states the following:

“However, school districts are not required to provide special education or related services to these students. There is no entitlement for services, though some private schools and students attending private schools may receive some services from the school district.”

Although the above is true, it does not connect to the local education agency (LEA) requirement to provide equitable participation of parentally placed private school student with disabilities **as a group**.

Children with disabilities enrolled in private schools by their parents have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school other than child find, which includes evaluations. A school district only must provide for the "equitable participation" of parentally placed private school students with disabilities **as a group**. The Individuals with Disabilities Education Act (IDEA) requires that annually a school district spend a proportionate share of IDEA funds on special education and related services for private school students with disabilities **as a group**. The expenditures must be consistent with the other requirements of the IDEA regulations.

The LEA is required to expend the equitable participation set-aside amount after consulting with the private school(s) located in its area. Allowable equitable participation set-aside expenditures that the LEA may consider are direct special education instruction and related services (including transportation to and from special education service). Other activities include:

- Training to private school personnel on special education related topics
- Establishing a resource library (managed by the LEA but accessible to private schools)

The following costs cannot be used when determining whether or not the requirements of equitable services set-aside has been met:

- Child find activities
- Evaluations
- Administrative costs, such as clerical support or special education director salaries

IDEA funds for equitable services may not be paid directly to a private school. The LEA must always control and administer the funds.