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MEMORANDUM

TO: School District Superintendents

FROM: Dr. Paul O. Burns

DATE: March 31, 2023

SUBJECT: Information on Parentally Placed Private School Students with Disabilities

Contact Information:

Terry Hoffman

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DPS: 2023-44

Under Part B of the Individuals with Disabilities Education Act [IDEA, Title 34, Code of Federal Regulations (C.F.R.)], school districts have specific obligations to students with disabilities placed by their parents or guardians in private schools. These obligations are described in 34 C.F.R. §§ 300.130 – 300.144.

- In determining the manner of equitable services, IDEA requires that the district engage in timely and meaningful consultation to determine child find, proportionate share of funds (which must be shared), and how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities (see 34 C.F.R. §§ 300.130-300.144).
- Districts must make the final decisions with respect to the services to be provided to eligible parentally placed private school children with disabilities. If the district representatives disagree with the private school officials on the provision of services or the types of services, the district will provide to the private school officials a written explanation of the reasons why the district chose not to adopt the recommendations of the private school officials (see 34 C.F.R. § 300.134).
- Parentally placed private school students are not required to have Response to Intervention (RtI) or Multi-Tiered System of Supports (MTSS) data nor are they required to seek private medical services in order to receive an evaluation (see [OSEP Memorandum 11-07](#), [OSEP Memorandum 16-07](#)).

The attached Q&A document, updated in February 2022 by the United States Department of Education, Office of Special Education Programs, is intended to provide guidance regarding the IDEA requirements applicable to children with disabilities placed by their parents in private

DR. PAUL O. BURNS
CHANCELLOR OF PUBLIC SCHOOLS

Information on Parentally Placed Private School Students with Disabilities

March 31, 2023

Page Two

schools. The document is also accessible at the following location:

https://sites.ed.gov/idea/files/QA_on_Private_Schools_02-28-2022.pdf.

For questions specific to district obligations to parentally placed private school students with disabilities, please contact Terry Hoffman at Terry.Hoffman@fldoe.org. For questions related to the Family Empowerment Scholarship, please contact the Office of K-12 School Choice at <https://www.fldoe.org/schools/school-choice/contact-us/email-us.stml>.

PB/th

Attachment

cc: School District Exceptional Student Education Directors
Claire Padgett, Florida Department of Education