

Section 9 Serving Students Who Attend Nonpublic Schools

A. Placements by the School District in Nonpublic Special Education Programs/Facilities

1. The IEP Team shall conduct a meeting(s) and complete an IEP before placing a child in a nonpublic special education program or facility.
 - a. The School District is responsible for arranging participation of a representative of the private school/facility in the IEP meeting.
 - b. The School District remains responsible for the development and implementation of the child's IEP.
2. The School District will determine, for those children placed in a nonpublic special education program or facility, that the conditions contained in 23 Ill. Admin. Code § 226.330(c) are satisfied.

B. Children With Disabilities Enrolled by Their Parents In Private Schools Where FAPE Is At Issue

1. The School District is not responsible for educational costs, including special education and related services, of children placed in nonpublic special education programs or facilities by their Parents if the School District made FAPE available to the child and the Parent(s) elected to place the child in a nonpublic special education program or facility.
2. If the Parents of a child with a disability, who previously received special education and related services from or through the School District, enroll the child in a private school without the consent of or referral by the School District, a court or hearing officer may require the School District to reimburse the Parents for the cost of the private school if there are findings that the School District did not make a FAPE available to the child in a timely manner prior to the private school enrollment.
3. The School District will notify the Parent(s) of the conditions under which reimbursement for the cost of a unilateral placement in a nonpublic special education program or facility may be reduced or denied. Those conditions include:

- a. Failure of the Parent(s) to inform the IEP Team at the most recent IEP meeting prior to the removal of the child from the public school of the Parents' rejection of the placement proposed by the School District and a statement of their concerns and their intent to enroll their child in a nonpublic special education program or facility at public expense at least 10 business days prior to the removal of the child from the public school; or
- b. At least 10 business days before the removal of the child from the public school, the Parents did not give written notice to the School District of the information described in subparagraph a above; or
- c. If, prior to the Parent(s)' removal of the child from the public school, the School District informed the Parent(s), through the notice requirements, of its intent to evaluate the child, but the Parent(s) did not make the child available for the evaluation; or
- d. Any judicial finding of unreasonableness with respect to the actions taken by the Parent(s).

C. Children With Disabilities Enrolled By Their Parents In Private Schools Where FAPE Is Not An Issue

1. The School District shall develop and implement a system to locate, identify and evaluate children with disabilities who attend private schools (including religiously affiliated schools and home-schools) located within the School District. The School District will conduct child find activities for private school children with disabilities that are similar to those for children with disabilities in public schools.
2. Upon evaluation or reevaluation and determination that a private school child is eligible or still eligible for special education and related services, the School District will develop a services plan for the child if he/she is designated by the School District to receive special education and related services.
3. The School District is not obligated to provide the special education and related services the child would receive if enrolled in a public school.

4. The School District shall consult annually with private school representatives and representatives of Parents of private school children regarding the following:
 - a. The child find process, including how parentally placed private school children can participate equitably and how Parents, teachers, and private school officials will be informed of the process;
 - b. The determination of proportionate share of funds available to serve parentally-placed private school children with disabilities;
 - c. The consultation process;
 - d. The provision of special education and related services; and
 - e. A written explanation by the School District regarding services.
5. The School District shall make final decisions with respect to the services to be provided to eligible children who are enrolled in private schools. The services to be provided to such children are those services that the School District has determined, through the consultation process, it will make available.
6. The School District shall assure that the providers of services to private school children with disabilities meet the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who provide equitable services to parentally-placed private school children with disabilities do not have to meet the “highly qualified” requirements of law.
7. The School District shall be responsible for providing Parents with all notifications required to be provided to Parents of students with disabilities who attend the public schools.
8. By December 1 of each year, the School District will conduct a census of the number of nonpublic school children eligible under IDEA, who may or may not be receiving special education and related services.

LEGAL REF.: 20 U.S.C. §§ 1412(a)(10) (State eligibility), 1413(a)(1) (local educational agency eligibility).

34 C.F.R. §§ 300.115 (continuum of alternative placements), 300.325(private school placement), 300.130-300.144 (children with disabilities enrolled by their Parents in private schools), 300.145-300.147 (children with disabilities in private schools placed or referred by public agencies), 300.148 (children with disabilities enrolled by their Parents in private schools when FAPE is at issue).

105 ILCS 5/29-4, 5/14-6.01, 5/14-7.01, 5/14-7.02.

23 Ill. Admin. Code §§ 226.300 (continuum of placement options), 226.310 (related services), 226.320 (service to students living in residential care facilities), 226.330 (placement by school district in state-operated or nonpublic special education facilities), 226.340 (nonpublic placements by Parents where FAPE is at issue), 226.350 (service to parentally-placed private school students).

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