

(1.103) If I place my child in a private or religious school does she have the right to an IEP and special education services?

No. Federal law gives students with disabilities in this situation only limited rights to educational services. A student with a disability who is parentally-placed in a private school, including a religious school — that is, voluntarily and unilaterally enrolled without the agreement of an IEP team — has no right to receive the special education and related services that she would receive if enrolled in a public school. [20 U.S.C. Secs. 1412(a)(10)(B) & (C); 34 C.F.R. Sec. 300.137.] However, the district must still provide for the participation of your child in its special education programs. [34 C.F.R. Sec. 300.132.] The school district must dedicate federal funds to support the educational needs of students unilaterally placed in private and religious schools. After input from parents and private schools, the school district decides how to spend the funds and which services will be provided. [34 C.F.R. Sec. 300.137(b)(2).] The amount of federal money that must be spent is limited to a proportionate share (based on the number of parentally-placed students compared to the total district population of students with disabilities) of the federal dollars received by the district. [34 C.F.R. Sec. 300.133.] However, federal law does not prohibit a district from spending additional state funds for this purpose. [34 C.F.R. Sec. 300.133(d).] Services may be provided on the premises of private schools, even religious schools “to the extent consistent with law.” [34 C.F.R. Sec. 300.139.]