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BY

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REGARDING

Equitable Participation for parentally placed private school children with disabilities under IDEA

After searching, interviewing, and many tours later, you have decided and found the right private school for your child with special needs. Whether you tried public school or went straight into a private school setting under IDEA (Individuals with Disabilities Education Act) there are provisions and benefits related to children with disabilities.

IDEA was designed to improve the educational needs of all children with disabilities. As a result of this legislation there are rules and regulations that state and local levels are required to follow to receive IDEA funds.

One such provision is the LEA (Local Education Agency, the “district” a school is in, for example in the state of Florida this could be Orange or Seminole County) is required to spend a proportionate amount of those IDEA funds as equitable services to private school children with disabilities. What that means is your child could possibly receive such services as speech, occupational, physical therapy and assistive technology at no cost to you!

Through a process known as Child Find, the LEA is responsible for locating children with disabilities from 3-21 years of age. This process is available to private school students. The LEA provides an initial evaluation of the child within 60 calendar days of when the parent has signed consent (some states have different time frames than those established by IDEA so make sure to check local law). This evaluation is a comprehensive evaluation that includes psycho-educational, speech, language, occupational and physical therapy as well as assistive technology assessments. This testing requires no out of pocket expense for the family. The private



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school contacts the LEA and informs them they have a student who requires an evaluation to determine eligibility for equitable participation and services. Together the LEA, private school, and parent can consult and evaluate the child.

Once evaluations are complete, there is a meeting to determine if the child meets eligibility requirements by IDEA and if so what services the child requires to ensure equitable participation in school. A service plan is written specifying the child's disability and services they require including the frequency and duration of these services. At the service meeting a representative of the private school must be in attendance and much like an IEP meeting, a service plan will be developed, reviewed, and revised consistent with the requirements under IDEA.

It is important to note that although a child has qualified to receive services, the type and amount of service may differ from services provided if the child attended a public school environment. This is a result of the mathematical formula under IDEA that determines expenditure to be spent on private school children. For example, a child who has qualified for ninety minutes of speech therapy per week but is a privately placed student may only receive sixty minutes of speech therapy per week.

Once services have been determined and the service plan is written the child can begin receiving services. Because IDEA requires transportation be provided for these services, many times it is more efficient if the services are brought to the student at their school. Some school districts even allow the parent to choose their own provider. As a parent, it gives a sense of ease knowing that you have hand picked the provider.

In addition, there is a sub-grant program that requires the LEA to carry out these provisions to pre-school children (ages 3-5) who have been privately placed as long as the private program meets the definition of an "elementary school". "Elementary school" is defined as a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined by state law.

So what if your private school is not familiar with this program? Inform them!! Let them know you are interested in provisions related to children with disabilities who are in privately placed by their parents. Ask them to



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contact the ESE (Exceptional Student Education) department for the district the private school is located. It does not matter what district the parent or student resides, it is determined by the private school location.

The private school informs the ESE department that they have a child who has a disability and they want to create a service plan. If the child has had an IEP from a public school the LEA may use that as a way to determine what services the child will receive in lieu of an initial evaluation. However, if the IEP is outdated or you feel your child needs have changed, you may request a reevaluation. Again, this evaluation is at no cost to the parents. These evaluations are completed at a public school assigned by the district.

There are extensive regulations under IDEA but this program may help your child receive services to help them succeed in their education. Additionally, there is the opportunity to ease some financial burden to the parent who has been paying for both private school and private related services. It is worth the time and effort to explore this unique opportunity IDEA has created.

About Lauren Morris:

Lauren Morris, founder of MyChild's Advocate, Inc. has her masters degree with extensive knowledge in research, education law, and training in advanced dispute resolution. She also has three children, all with special needs. You can reach Lauren at 407-592-0081 or lauren@my-childsadvocate.com