

Students Attending a Private School Outside

Their LEA of Residence



Definitions

1. The child must meet the definition of a parentally-placed private school student:

“CFR § 300.130 Definition of parentally-placed private school children with disabilities. Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in § 300.13 or secondary school in § 300.36, other than children with disabilities covered under §§ 300.145 through 300.147.”

2. The school must be not-for-profit and meet the definition of an elementary or secondary school in Alabama:

“AAC § 290-2-2.04 **School Site Requirements.** The school grounds must be large enough to provide outdoor areas for physical education and recreation. The minimum requirements for school sites are as follows:

(1) An elementary school is a school with any combination of Grades K-8, and must not contain a grade above 8.

(a) Both existing and proposed elementary schools must have a base of five acres of land plus one acre for each 100 students.

(2) A middle school is a school with a combination of grades 4-9, but not including both grades 4 and 9.

(a) Both existing and proposed middle schools must have a base of ten acres of land plus one acre for each 100 students.

(3) A secondary school is a school with any combination of grades 5-12, but must contain a grade above eight.

(a) Existing secondary schools must have a base of 15 acres of land plus one acre for each 100 students.

(b) A proposed secondary school must have a minimum base of 30 acres of land plus one acre for each 100 students.”

If the private school/preschool meets the definition of a private school in Alabama? (see definition above)

The LEA where the private school is located is responsible for ensuring equitable participation according to its private school plan.

If the private school/preschool does not meet the definition of a private school in Alabama? (see definition above)

The LEA of residence of the child is responsible for making FAPE available in the LEA.

Child Find

The LEA where the private school that meets the definition of a private school is located is responsible for conducting child find for parentally placed private school children. However, although it is discouraged, parents may request evaluations from both LEAs. If the parent chooses to request evaluations from the LEA responsible for providing the child FAPE (LEA of residence of the child) and from the LEA that is responsible for considering the child for the provision of equitable services (LEA of location of the private school), both LEAs are required to conduct an evaluation. (Questions and Answers on Serving Students with Disabilities Placed by Their Parents in Private Schools, B-4, p. 5)

LEA of Residence of the Child

If the parents request an evaluation from the LEA of residence of the child, and the child is determined to be eligible for special education services, the LEA of residence of the child is obligated to make an offer of FAPE in the LEA. If the parent makes clear his/her intention to keep the child enrolled in a private school located in another LEA, then the LEA where the private school is located is responsible for ensuring equitable participation according to its private school plan.

Preschool Students

Guidance for preschool-aged students is the same as that for school-aged students, after determining whether or not the preschool meets the definition of a private school.
(See above)

For more information:

Proposed Guidance: Questions and Answers on Serving Students with Disabilities Placed by Their Parents in Private Schools (Revised December 2020): <https://sites.ed.gov/idea/files/qa-parentally-placed-private-schools-12-2020.pdf>.



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