

## Who has the responsibility to serve a student enrolled by their parents in a private school<sup>1</sup> located within another school district?

Note: Please read the chart below in conjunction with "[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)" (Revised April 2011) issued by the U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS). This document should be used as guidance and is not intended as legal advice. (January 2019).

	Resident District (FAPE)	District Where Private School is Located (Child Find)	Comments
Referral	<b>No</b>	<b>Yes</b> – OSERS Q&A B-1	
Initial Evaluations	<b>Maybe</b> – ask if the student intends to enroll full-time or part-time to receive services via an IEP (see comments)	<b>Yes</b> – ask if the student intends to remain in private school and wants a services plan or if the student has enrolled as a nonresident Choice transfer into the district	See, OSERS Q&A B-4; consider having the district who will be serving the student do the initial evaluation
Reevaluations	<b>No</b> – unless the student is already enrolled or intends to reenroll within the district	<b>Yes</b> – see, OSERS Q&A B-8; but no duty to reevaluate if student is currently enrolled with resident district	
IEPs	<b>Yes</b> – but only if the student has enrolled full-time or part-time with the district	<b>No</b> – unless the student has enrolled as a nonresident Choice transfer into the district	
Services Plans	<b>No</b> – unless private school is located within district boundaries (see next column)	<b>Yes</b> – available to K-12 students eligible for SPED enrolled in private schools within district boundaries unless student is currently enrolled with resident district and has an IEP	Eligible K-12 students cannot have an IEP and Services Plan at the same time
Proportionate Share Count	<b>No</b> – unless private school is located within district boundaries (see next column)	<b>Yes</b> – even if the student is part-time enrolled with resident district and receiving services via an IEP	

<sup>1</sup> – A “private school” is defined as any nonprofit elementary or secondary school. (WAC [Section 392-172A-01145](#)). Students attending private for-profit schools or private preschool programs are not included in the proportionate share count or eligible for equitable services. The district where the student resides, however, does still have “child find” and FAPE obligations for students enrolled in private for-profit schools or private preschool programs. (See, OSERS Q&A N-1 and O-1).

