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Blogs Developmental Differences

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KIDS WITH SPECIAL NEEDS IN PRIVATE SCHOOLS CAN GET SERVICES. HERE'S HOW.

Written by: [Lara Cleary](#)



As special education attorneys, we frequently receive calls from parents who want to know whether their children with special needs are entitled to any services or accommodations at private schools. Unlike students in public schools, students with disabilities in private schools are generally not entitled to an IEP under the Individuals with Disabilities Education Act (IDEA), however, there are a few options available that parents may want to explore.

Individual Service Plans: The IDEA does establish a “proportionate share” arrangement between school districts and private schools. This means that public school districts must utilize a certain share of their funding for children attending private schools within the district’s boundaries. Through the proportionate share arrangement, private schools and the local districts conduct annual meetings and discussions regarding what types of special education and/or related services they will provide. The local school district will then draft an “individual service plan” or “ISP” for the child. An ISP is less detailed than an IEP, but will document the types of service provided, as well as the location and frequency of the service.

To find out what type of service a school district will be providing to a private school student, a parent should contact the district administrative office of the school district in which the private school is located. If your child is not yet eligible for special education, the district in which the private school is located is also responsible for conducting the initial case study evaluation for potential eligibility.

Part-Time Attendance: In Illinois, we have a unique section of our School Code, 105 ILCS 5/14-6.01, which allows students with disabilities in private schools to also enroll part-time in their local school district of residence to receive special education services. A request for part-time attendance must be submitted by a parent to the school district where the child resides.

If a parent chooses part-time attendance, the resident district of the student is responsible for all evaluations and IEP services. However, the actual IEP services depend on the amount of time the student attends the public school and is generally determined by the public school, in conjunction with the IEP team. For example, if the child needs a specialized reading class for a learning disability, the public school has the discretion to determine what class the child will attend. The public school is not required to create special classes or services to accommodate the part-time attendance schedule.

Section 504/ADA Accommodations/Services: Children with disabilities in private schools are entitled to receive reasonable accommodations/ modifications through Section 504 of the Rehabilitation Act of 1973, if the school receives federal funding, and under the Americans with Disabilities Amendments Act (ADA) even if the school receives no federal funding. While many private schools may also offer special services for children with disabilities, to attract new families and keep families together, they are not required to provide actual services under Section 504 or the ADA, just accommodations/modifications. Some private schools will create an “accommodations plan” for the child to document the accommodations, however they are not required to do so.

Lara Cleary and Jennifer Hansen are partners with the law firm of Hansen & Cleary, LLC. Hansen & Cleary is a boutique law practice focusing on the representation of children and families, individuals with disabilities, medical and mental health practitioners, private schools, and other non-profit agencies in the greater Chicagoland area and throughout the state of Illinois. If you are interested in learning more about services at private schools for children with special needs please contact us at 847-715-2801, or through our website at www.hansencleary.com.

Related articles:

[Tips for your next IEP meeting](#)

[Your schools should be helping your child with behavioral challenges](#)

[Chicago venues that cater to kids with special needs](#)

The NPN blog gives voice to our members' thoughts about parenting in the city, and the views expressed don't necessarily reflect our own. Want to write for us? Email laura@nnpnparents.org with your topic ideas.

Posted on April 19, 2018 at 10:55 AM



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