

A PEATC

Do You Know....



Factsheet for Virginia's Parents Service Plans for Students Placed by Parents in Private School

What Happens When You Enroll Your Child with a Disability in a Private School?

There are three circumstances in which a child with a disability may be enrolled in a private school:

1. **The Individualized Education Program (IEP) team decides private placement is appropriate** because the private school can provide a free appropriate public education (FAPE) and the public school cannot.
2. **The parents place the child** in the private school because they believe the **public school cannot provide FAPE**. (In these cases, the school division may eventually have to pay tuition if the parents can prove in a due process hearing that the public school cannot provide FAPE and the private school can.)
3. The parents **choose to place their child in a private setting and FAPE is not considered an issue**. These are called **parentally placed** private school children. The term **unilateral placement** is also used.

If **you** choose to enroll your child with a disability in a private school and it was not an IEP team decision, your child will not have an IEP like they would if enrolled in a public school. Private schools **may choose but are not required**, to provide special education services to parentally placed children. Some private schools will offer an **ISP** (an Instructional Services Plan or an Individual Services Plan) for your child if the school provides its own specialized services.

Children with disabilities who attend private schools can receive a **Service Plan** through the local school division, not from the private school. The **Individuals with Disabilities Education Act (IDEA)** requires that school divisions set aside funding for students with disabilities whose parents choose private school for their child. Services may be like those in an IEP, but they will likely be **less comprehensive** as the private school is not required to provide FAPE. There are many rules governing these services.

Resources on Service Plans in Private Schools

Code of Virginia. [8VAC20-81-150. Private school placement \(virginia.gov\)](#)

Disability Law Colorado
[Service Plans for Parentally Placed Children with Disabilities](#)

Virginia Department of Education. [Regulations Governing the Operation of Private Schools for Students with Disabilities](#)

Understood.Org [IEPs vs Service Plans | Understood - For learning and thinking differences](#)

U.S. Department of Education
[OSEP 2-22 Q&A on Serving Parentally Placed Children with Disabilities in Private Schools](#)

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Fact Sheet for Virginia's Parents

Below is a chart from **Understood.org** that shows the differences between IEPs and Service Plans.

	IEP	SERVICE PLAN
What is it?	A blueprint for a student's special education services in the public school. The IEP must ensure that the student receives FAPE .	A plan paid for by the local school division for parentally placed students who would receive special education services if they attended public school but who instead attend private schools. FAPE is not required .
What does it do?	It states the special education and related services (including specialized instruction, accommodations, etc.) that the student will receive in school and at no cost to parents.	It states the special education and related services the school division will make available at no cost to parents. Services may be provided in the private school, public school, or another location.
IDEA Funding	Not budget dependent. Under IDEA, FAPE must be provided to eligible students with disabilities by the public school system.	Students are entitled to "equitable" services based on available funding. IDEA federal regulations discuss private schools in 34 CFR 300.130-144
Eligibility	Students must have one of 13 disabilities under IDEA and need special education to benefit from and access the general curriculum.	Students must be placed in a private school by parents , not as an out-of-district placement, have one of 13 disabilities under IDEA, and need special education to benefit from and access the general curriculum.
Plan Development	The IEP Team , with all of its required members, creates the plan.	The same people who make up an IEP team and someone from the private school . Parental involvement is encouraged but not required.
Parent Consent	Written consent is required for evaluations, before IEP is implemented, and when changes to IEP are proposed .	Written consent is required for evaluations conducted by the school division. Parents can request that the private school conduct the evaluation, but the school division must approve this.
Parent and Student Rights	Students must be educated in the least restrictive environment (LRE) and are entitled to FAPE . IDEA provides extensive procedural safeguards and appeal rights .	Parents participate in educational decisions . Due process is not available except when appealing issues about identification and evaluation. For other matters, parents can file a complaint with the VDOE .
Review and Revision	IEPS must be reviewed at least once a year and the student must be reevaluated for special education eligibility every 3 years .	Service plans must be reviewed "to the extent appropriate" as often as an IEP .

PEATC's focuses on building positive futures for Virginia's children by working collaboratively with families, schools, and communities to improve opportunities for excellence in education and success in school and community life.



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