

**PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOL WITHOUT  
CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY**

The public agency (local school district) is not required to pay for the cost of education for your child, including special education and related services, at a private school or facility if the public agency made a free appropriate public education available to your child and you elected to place your child in a private school or facility. However, the public agency must include your child in the population whose needs are addressed consistent with federal requirements at 34 CFR 300.131 - 300.144.

**REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT**

Disagreements between you and the public agency regarding the availability of a program appropriate for your child, and the question of financial reimbursement, are subject to the due process hearing procedures in 34 CFR 300.504 - 300.520.

If you, as the parent of a child with a disability who previously received special education and related services under the authority of a public agency, enroll your child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to your child in a timely manner prior to that enrollment.

**LIMITATION ON REIMBURSEMENT**

The cost of reimbursement for private school may be reduced or denied -

- 1.** If,
  - A.** At the most recent IEP Team meeting that you attended prior to the removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by them, including stating your concerns and your intent to enroll your child in a private school at public expense; or
  - B.** At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of your child from the public school, you did not give written notice to the public agency of the information described in item "A" above.
- 2.** If, prior to your removal of your child from the public school, the public agency informed you, through written notice, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make your child available for such evaluation; or
- 3.** Upon a judicial finding of unreasonableness with respect to actions taken by you.

Notwithstanding the notice requirement described in "1. A and B" above, the cost of reimbursement must not be reduced or denied for failure to provide such notice if,

- 1.** Compliance with the public agency's placement would likely result in physical harm to your child;
- 2.** The school prevented you from providing such notice; or
- 3.** You had not received notice of the notice requirements listed above; and

May, in the discretion of the court or hearing officer, not be reduced or denied for failure to provide such notice if;

- 1.** The parents are not literate or cannot write in English; or
- 2.** Compliance with the public agency's placement would likely result in serious emotional harm to your child.