



Private School Placement by Parents

Title III of the Americans with Disabilities Act covers private schools, except those run by religious organizations. Section 504 of the Rehabilitation Act covers any schools that receive federal funding, including private schools run by religious organizations. Both of these federal laws require that students with disabilities are not discriminated against, and that reasonable accommodations are provided so they can participate. Neither law creates a right to special instruction.

Michigan law [MCL 380.1296](#) requires that private school students get some of the auxiliary services provided to all public school students in the school district. “Auxiliary services include health and nursing services and examinations, National Defense Education Act testing, speech and language services, social work services, school psychological services, teacher consultant services for students with a disability and other ancillary services for students with a disability, remedial reading, and other services determined by the Legislature.” In Michigan, **registered** home schools are treated as private or non-public schools.

Under the Individuals with Disabilities Education Act (IDEA), students with disabilities placed in private schools by the public school district are eligible for special education evaluations and services through that district. They have all the rights of any public student under IDEA. Students with disabilities placed by their parents are still eligible for special education evaluations, but only limited services and limited rights.

Find more information at these sites:

[Special Education: An Advocate's Manual](#), see Chapter 2, pages 18 -19

[The Individuals with Disabilities Education Act: Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools \(2008\)](#)

[Questions & Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(2011\)](#)

[Public Agency Placement of Students with Disabilities In Private Schools \(Michigan 2008\)](#)

Federal Regulations about Students with Disabilities in Private Schools
34 CFR Sections 300.129 – 300.148 has information about private schools.

Children in Private Schools

300.129 State responsibility regarding children in private schools.

Children With Disabilities Enrolled by Their Parents in Private Schools

- 300.130 Definition of parentally-placed private school children with disabilities.
- 300.131 Child find for parentally-placed private school children with disabilities.
- 300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement.
- 300.133 Expenditures.
- 300.134 Consultation.
- 300.135 Written affirmation.
- 300.136 Compliance.
- 300.137 Equitable services determined.
- 300.138 Equitable services provided.
- 300.139 Location of services and transportation.
- 300.140 Due process complaints and State complaints.
- 300.141 Requirement that funds not benefit a private school.

- 300.142 Use of personnel.
- 300.143 Separate classes prohibited.
- 300.144 Property, equipment, and supplies.

Children With Disabilities in Private Schools Placed or Referred by Public Agencies

- 300.145 Applicability of §§ 300.146 through 300.147.
- 300.146 Responsibility of SEA.
- 300.147 Implementation by SEA.

Children With Disabilities Enrolled by Their Parents in Private Schools When FAPE is at Issue

- 300.148 Placement of children by parents when FAPE is at issue.

This is a summary of the current laws. It is not a substitute for legal advice. For more information, talk with your lawyer, or call Michigan Protection and Advocacy Service, Inc. at 1-800-288-5923 toll free or 0-517-487-1755 collect.

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