

**Frederick County Public Schools
Regulation
SPECIAL EDUCATION AND RELATED SERVICES
FOR STUDENTS ENROLLED BY THEIR PARENTS
IN PRIVATE SCHOOLS OR HOME
SCHOOLED/INSTRUCTION
Regulation 508-01 (formerly 400-69)**

A. Purpose

To ensure Frederick County Public Schools (FCPS) is consistent with Individuals with Disabilities Education Act (IDEA), FCPS will continue to provide Child Find, special education, and related services to students who are parentally placed in Maryland State Department of Education (MSDE) approved private/parochial schools or parents who have elected to provide homeschool/instruction.

B. Background

This regulation outlines the provision of special education and related services to students enrolled by their parents in private schools or parents who have elected to homeschool/instruction to ensure access to equitable participation. This supports the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), Section 300.130 through 300.144.

C. Definitions

1. “Equitable Services” is defined as special education and related services, including direct services, provided to parentally-placed private school children with disabilities in accordance with the provisions of the IDEA.
2. “Home-Schooled Student/Instruction” is defined to mean a student provided instruction by the parent in the home, as approved by the Home School Procedures.
3. “Individualized Education Plan (IEP)” is defined to mean a plan that outlines specially designed instruction for identified students, including goals and objectives, supplemental aids, accommodations, etc.
4. “Individualized Service Plan (ISP)” is defined to mean a plan that outlines goals and objectives only for students who are parentally placed in a private school and have refused Free Appropriate Public Education (FAPE) offering.

D. Procedures

1. FCPS will provide Child Find services, which include location, identification, and evaluation of students attending private schools or homeschooled/instruction within Frederick County. FCPS will inform private schools annually of any significant changes in the assessment materials and/or procedures.

2. FCPS will make available special education, speech, and/or related services to eligible private school students with disabilities in a proportionate amount of FCPS' total subgrant under Section 612(a)(10)(A) of IDEA 2004. An individualized service plan (ISP) will be developed for eligible students that will document recommended services.
3. Under Section 612(a)(10)(A)(i) of IDEA 2004, each school district must provide services to parentally placed private school students within its district, without regard to where the children reside. Qualified personnel will provide identified services. IDEA 2004 does not require that any student receive service or the same amount of service that the student would receive in a public school. The service location will be at the discretion of FCPS.
4. FCPS will make the final decisions with respect to the services to be provided to eligible private school students.
5. An individual student in a private school does not have an individual right to all or some of the special education and related services that the student would receive if enrolled in a public school. FCPS will participate in ongoing consultation with representatives of private school students with disabilities in a timely and meaningful way to determine which students will receive services, what services will be provided, how the services will be provided, and how the services will be evaluated. FCPS will obtain a written affirmation from the representatives of private school students with disabilities, documenting that they were provided an opportunity to express their views.
6. Private school officials may file complaints with the Maryland State Department of Education if they believe that FCPS has failed to engage in consultation that is meaningful and timely or they were not provided due consideration. Complaints may be sent to the Assistant State Superintendent, Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201. If FCPS disagrees with the views of the private school officials on the provision of services or the types of services, FCPS shall provide to the private school officials a written explanation of the reasons why FCPS chose not to provide the services.
7. FCPS will maintain control of all property, equipment, and supplies that are used for the benefit of private school students with disabilities at the public-school setting.
8. Except in cases regarding Child Find procedures, due process rights are inapplicable under this section of IDEA 2004. Complaints that FCPS has failed to meet its requirements may be filed with the Assistant State Superintendent, Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201.

9. FCPS will conduct annual consultation and professional development for all private school representatives. Upon request from a private school representative, FCPS will make available staff development materials, such as books and other media, on a loan basis.

E. Related Information

1. **Board Policy**
 - a. [Board Policy 508, Special Education](#)
2. **Federal Law**
 - a. [Individuals with Disabilities Education Improvement Act of 2004](#)
3. **FCPS Resources**
 - a. [FCPS Child Find](#)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Department of Special Education and Student Services
Adoption Dates	12/01/99
Review Dates	2014, 01/03/24
Revision Dates	03/19/14, 01/03/24