



## Florida Department of Education

### Clarification for Local Educational Agencies

#### Child Find for Parentally Placed Private School Students with Disabilities

##### Summary

Local educational agencies (LEAs) that require private schools to adopt or implement intervention systems (such as Response to Intervention (RTI) or Multi-Tiered Systems of Support (MTSS)) before evaluating a parentally placed private school student for a disability are out of compliance with both federal and state laws related to students with disabilities.

##### Analysis

- LEAs have a legal obligation under the Individuals with Disabilities Education Act (IDEA) to locate, identify, and evaluate all children with disabilities who are enrolled, by their parents, in private schools located in the school district served by the LEA.
- Florida Department of Education issued a [Technical Assistance Paper](#) (TAP) (July 2024) to provide information to LEAs to assist them in determining eligibility for parentally placed private school students with disabilities. The TAP explains on pages 6 and 7 that LEAs cannot require private schools to implement intervention systems before the LEA evaluates a student to determine if a student is eligible for an Individualized Service Plan (ISP). Private school students, while not eligible for a Free Appropriate Public Education (FAPE) or an Individual Educational Plan (IEP), may be eligible for an ISP.
- The United States Department of Education (USED) guidance, [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#) (July 2022), also explains that private schools are not required to implement intervention systems before an LEA evaluates a student and specifies that an LEA may not delay a private school student's initial evaluation because a private school has not implemented an RTI process.

##### Additional Clarifications: Use of Intervention Data and Eligibility Determinations

- Private schools are not subject to the same IDEA obligations as public schools. Accordingly, under IDEA, private schools are not required to adopt or implement intervention systems such as RTI or MTSS.

- While intervention data may be helpful in informing the evaluation process, LEAs may not use the absence of such data to delay, deny or limit their obligation to timely conduct or begin the evaluation process.
- IDEA requires that eligibility determinations be based on a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining whether the child has a disability. See 34 C.F.R. § 300.304(b)(1). However, it also prohibits reliance on any single measure as the sole criterion for determining whether a child has a disability. See 34 C.F.R. § 300.304(b)(2).
- Where intervention data are available, private schools are encouraged to share relevant information with the LEA.
- However, LEAs may not prescribe or require: (1) a private school to use a specific intervention system (e.g., RTI or MTSS); (2) the specific format, structure or type of documentation for intervention data provided by a private school; or (3) the implementation of interventions as a prerequisite to evaluation.

### **Conclusion**

LEAs that condition evaluations or eligibility determinations on the implementation of intervention systems by private schools are not in compliance with federal and state law. Such practices may improperly delay or deny timely evaluations and could result in findings of noncompliance, including corrective action, monitoring or other sanctions by the Florida Department of Education.