

Requirements for Unilateral Placement by Parents of Children in Private Schools

[34 CFR § 300.148](#)

General

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under [34 CFR § 300.131 through 300.144](#).

Reimbursement for Private School Placement

If your child had previously received special education and related services under the authority of a school district and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the school district to reimburse you for the cost of that enrollment if it is decided that:

1. The school district had not made available a FAPE that could meet your child's educational needs in a timely manner before you enrolled your child in the private school.
2. The private school program for your child meets your child's educational needs (the private school placement is appropriate).

The private school program provided to your child may be found to be an appropriate program for your child by a hearing officer or a court even if the private school does not meet the state standards that apply to the education provided by the school district.

Limitation on Reimbursement

The reimbursement of the costs for the private school may be denied or reduced:

- if at the last PPT meeting that you attended before taking your child out of the public schools, you did not:
 - tell the PPT of not wanting the placement offered by the school district;
 - state the concerns about the placement offered by the school district; and
 - state the intent to enroll your child in a private school at public expense; or
- if at least 10 business days (including any holidays that occur on a business day) before taking your child out of the public school, you did not:
 - give notice in writing to the school district of not wanting the placement offered by the school district;
 - state the concerns about the placement offered by the school district; and
 - state the intent to enroll your child in a private school at public expense; or

- if before you took your child out of the public school, the school district told you in writing of its intent to evaluate your child, giving the purpose of the evaluation, and you did not make your child available for evaluation; or
- upon a court deciding that you did not act reasonably.

The reimbursement of the cost of the unilateral placement:

- shall not be reduced or denied because the parent did not tell the school because:
 - the school district kept you from giving notice as noted above;
 - you had not received notice from the school district that you had to tell the school district, as noted above, before putting your child in the private school if you wanted to get the school district to return the costs of the private school; or
 - having to tell the PPT, as noted above, would likely result in physical harm to the child; and
- may, in the finding of the hearing officer or the court, not be reduced or denied because you did not tell the school district because you cannot read and write in English; or having to tell the PPT, as noted above, would likely result in serious emotional harm to your child.