

PRIVATE SCHOOLS

Q. What is a private school?

A. A private school is a school that is not generally subject to the educational governing authority of the state or a local board of education.

Q. Is a parochial school a private school?

A. Yes.

Q. Is a charter school a private school?

A. No. A charter school is a public school.

Q. Is a home school a private school?

A. Not in Colorado. In Colorado, a home school is neither a private school, nor a public school.

Q. Is a student who needs special education services entitled to receive them in a private school?

A. If a student is placed in a private school, for the purpose of receiving special education services, by agreement between the parents and the public school, or by legal order, then that student is entitled to receive special education services, just like students who go to public schools. These students are students entitled to what the law calls a free appropriate public education (FAPE).

Q. What about students who need special education services, who go to private schools by choice of their parents, but not by agreement with the public school, or by legal order?

A. These students are not entitled to FAPE.

Q. Are they entitled to any services?

A. Maybe. The local public school system that provides special education services is required by the Individuals with Disabilities Education Act (IDEA) to set aside a proportionate share of their federal special education funds to serve these students. How this money is to be spent is to be determined by the public school system, after consulting with representatives from the private schools in the public school service area. There is no requirement that this money be spent equally for all students who need special education services, and there is no requirement that an individual student's need for special education services be met. This type of private school student will only receive special education services if their special education needs are addressed by the

service agreement that the public school makes with the private schools in its service area. However, the public school is still required to identify and evaluate these students, as necessary, in order to determine whether they are eligible for special education services, so that the public school is prepared to serve these students, if they should subsequently enroll in the public school.

Q. What about parochial private school students?

A. Historical practice in Colorado has generally been that when services are provided, they are provided at some location other than the private school. Also, these students should still be entitled to identification and determination of eligibility services, so long as these services are provided in a manner that does not conflict with Colorado law.

Q. What about home-schooled students?

A. Home-schooled students, in Colorado, are not legally entitled to any special education services from the public school, other than the identification and determination of eligibility services which are available to all students.

Q. Could a student be enrolled in both a public school and a private or a home school?

A. In Colorado - yes.

Q. Are these students entitled to any special education services?

A. A student in Colorado who is “dually enrolled”, and attending public school for at least ninety hours per semester, is entitled to receive all the special education services that the student needs, just like other public school students. These students are entitled to FAPE.

Q. Who should I contact if I have more questions?

A. Contact your local Director of Special Education. You may also contact the Colorado Department of Education (CDE) Special Education Services Unit (SESU) consultant, at (303) 866-6685.
