

Greater Albany SD 8J
Board Policy

Code: **IGBAI**
Adopted: 3/11/08

Special Education - Private Schools

IDEA requires special education services to two different groups of private school students: those referred or placed by the district and those enrolled by parents or guardians¹. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and service for these districts.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents or guardians, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents or guardians choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

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| ORS 343.155 | OAR 581-015-2450 |
| | OAR 581-015-2455 |
| OAR 581-015-2080 | OAR 581-015-2460 |
| OAR 581-015-2085 | OAR 581-015-2470 |
| OAR 581-015-2265 | OAR 581-015-2480 |
| OAR 581-015-2270 | OAR 581-015-2515 |
| OAR 581-015-2280 | OAR 581-021-0029 |

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).

¹As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 518-015-0005(18).