



Private School Disputes

Students in private schools fall under a completely different educational situation than students in public or charter schools. The rights of the parents at a private school are severely limited and there are only limited steps that a parent can take to resolve disputes such as grades, student placement, and disciplinary matters. If your child has special needs, such as the need for speech and occupational therapy, you can still get these services through the public system. You can also receive consultation services for your private school as to your child's needs. If your child has been injured or abused at a private school you have the ability to take legal action to protect your child and to pursue compensation. Lastly, it is possible to get payment of your private school expenses by a public school in specific circumstances.

The information below will provide you with some very basic information and help answer some frequently asked questions, but the information on this website is not legal advice and is not meant to be a substitution for seeking the advice of competent legal counsel. Your case is unique and you need legal advice that is specifically tailored to fit your needs. Our Hollingsworth & Zivitz, PC education team is here to provide you with the advice you need to make decisions that will have a lasting impact on your child's life. Contact Catherine Michael at Hollingsworth & Zivitz, PC to discuss any private schools issues.

PRIVATE SCHOOL– General Information

Private schools are not bound by the same requirements as public and charter schools. They do not need to be in compliance with many of the laws set in place for public schools. They do not have to provide your child a special education or accommodations. However, there are many situations in which a parent believes that the failure of the public school has been so severe that their only recourse is a private school. In these cases the parent must send a 10-day letter and pursue a due process for reimbursement or future payment. In many cases, disputes with private schools can be very frustrating for parents who have limited recourse. However, if your child has faced harassment, injury or abuse, you do have recourse and it is important you contact an attorney to discuss options.

At Hollingsworth & Zivitz, PC, Catherine Michael can assist you in discussing these options.

PRIVATE SCHOOL– FAQs

My child has an IEP and is enrolled in private school. Do they have to follow it?

Normally no, but there are exceptions. These exceptions include where your child has been placed at this school by the public school as part of a case conference committee decision. For instance, a residential or day placement facility or a specialized school for children with special needs. In many cases, these schools become a part of the IEP committee and warrant that they will follow the IEP.

My child is in a private school but needs speech services, can we get this from the public school?

Yes. However, you need to show that your child is in need of these services and contact the public school district where the private school is located. They will perform an evaluation on your child to determine whether they are eligible for services. If the public school district claims the child is not eligible and you believe they are you may file a due process hearing regarding the eligibility for services.

My child has been expelled from a private school do I have any recourse?

Generally no. In some rare situations, such as where the dismissal was retaliatory as a result of a civil suit or a clear civil rights violation, you may be able to take additional action.

If I want to withdraw my child from the public school and place them in a private school and bring a due process for expenses, what steps should I follow?

Prior to taking this action we would advise you consult with an attorney focused in education law. However, if you are ready to take this move you must send a 10-day letter that meets the law's requirements and hold off withdrawing your child for the time period associated with the letter. A sample letter is below:

SAMPLE 10-DAY LETTER

Date

Director of Special Education
School
Address
State

Reference: Child's Name
DOB: (fill in birthdate)
School: (fill in school)

Dear Director,

My child, (name), attends (school) and is in the (number) grade. My child has (disability), and has received special education services for (number) years.

Over the past (number) years, (child) has failed to progress in the following areas: (list areas here). While we have had numerous case conference committee meetings and rewritten his IEP, the programs that (school) has provided to help (child) progress have not worked, as (child) has failed to make meaningful progress.

(Child) has a right to a free, appropriate public education under state and federal law. I have spent (number) years trying to make sure that this education is being provided to (him/her) through the (school) school system. It has become apparent as time has passed that (school) is unable to provide (child) the education that is rightfully (his/her) under the law.

Please be advised that in 10 business days from your receipt of this letter, I plan to remove (child) from (school) and place (him/her) in (new school), a private school that provides (fill in what the new school does). If (child) makes progress in the private school, I will come back later and ask the school district to reimburse me for the costs of (his/her) education.

If you have questions about this notice, please call me at work (555-5555) or at home (777-7777) after 4 p.m. Thank you for your time.

Sincerely,

Parent