

DISTRICTS' RESPONSIBILITIES FOR STUDENTS PLACED OUT OF DISTRICT

July 2008

The following scenarios with questions and answers will assist districts in determining the responsibilities of each district when serving children with disabilities who are placed out of district by an entity other than the district of residence.

I. Districts' Responsibilities when a Public Entity or a Parent Places a Child with a Disability into a residential facility that is defined as a "Home"

The responsibilities of the district where the residential facility is located as well as the district of residence, when a child with a disability (CWD) is placed by a public entity or a parent in a residential facility that meets the definition of a home as defined in Ohio Revised Code 3313.64(A)(4), can be determined by answering the following questions:

Question 1: *Has a judge entered an order that names a particular public school district as the district responsible for paying for the cost of the education of a child with a disability?*

- **Yes.** Then the district named in the court order will be responsible for the cost of educating the CWD. This is the only responsibility of the district named by the court order unless the district named in the court order is also the child's district of residence or the district where the residential facility is located. If the district where the residential facility is located is not also the district of residence, the district where the facility is located will contact the district of residence to convene an IEP team meeting and write an IEP that confers a free appropriate public education (FAPE) on the child. The district where the residential facility is located will implement the IEP and bill back the cost to the district named in the court order.
- **No.** Then the district where the residential facility is located shall confer with the child's district of residence to convene an IEP team meeting and write an IEP that confers FAPE. The district where the residential facility is located will implement the IEP and bill back the cost to the district of residence.
- **NOTE:** If the residential facility is located in the district of residence, but another district is named in the court order to pay for the cost of educating the CWD, then the district of residence will develop and implement the IEP and bill the district named in the court order for the education of the CWD.

Question 2: *Does the residential facility have a chartered or non-chartered nonpublic school as part of its program in order to educate the children with disabilities that are placed in the residential facility?*

- **Yes.** Then the district where the residential facility is located must confer with the district of residence to hold an IEP meeting and create an IEP that provides a free appropriate public education (FAPE). If the district of residence determines, after conferring with the district where the residential facility is located as well as the residential facility that runs the nonpublic school, that the nonpublic school is the appropriate placement for the CWD, then the district where the residential facility is located will contract with the nonpublic school to provide the child FAPE and will bill the cost of this school back to the district of residence. If the district of residence, after conferring with the district where the residential facility is located as well as the residential facility that runs the nonpublic school, determines that the nonpublic school, run by the residential facility, is not the appropriate placement for the CWD, then the district where the facility is located will provide FAPE to the child and bill back the cost of providing FAPE to the child to the district of residence.
- **No.** Then the district where the residential facility is located confers with the district of residence to hold an IEP meeting and create an IEP that provides FAPE. The district where the residential facility is located then implements that IEP and bills back to the district of residence the cost of implementing the child's IEP.

Question 3: *Does the residential facility contract with a community school as part of its program in order to educate the children with disabilities that are placed in the residential facility?*

- **Yes.** Then the surrogate parent or parent of the CWD must decide if they wish to enroll the child into the community school. The residential facility cannot force all children assigned to the facility to enroll and receive educational services from the community school. If the surrogate parent or parent determines that they want to enroll the child in the community school, they may do so. Upon enrollment of the child into the community school the community school becomes the child's district of residence and that school must write and implement an IEP for the child and then pay for the cost of the child's program as the community school is now the child's district of residence. If the surrogate parent or parent do not wish to enroll the child into the community school then the district where the residential facility is located must confer with the district of residence of the CWD to hold an IEP meeting and create an IEP that provides a free appropriate public education (FAPE). The district where the facility is located will provide FAPE to the child and bill back the cost of providing FAPE to the child to the district of residence.
- **No.** Then the district where the residential facility is located confers with the district of residence to hold an IEP meeting and create an IEP that includes an appropriate placement that will provide FAPE. The district where the residential facility is located then implements that IEP and bills back to the district of residence the cost of implementing the child's IEP.

II. Districts' Responsibilities when a Public Entity Places a Child with a Disability into a Placement that is not a "Home"

The following step will be followed, by the district where the day treatment center or the chartered or non-chartered nonpublic school is located and the district of residence, when a child with a disability (CWD) is placed by a public entity in a day treatment center or a chartered or non-chartered nonpublic school that does NOT meet the definition of a home as defined in Ohio Revised Code 3313.64(A)(4):

Question: *Has a judge entered an order that names a particular public school district as the district responsible for the cost of providing an education to the CWD?*

- **Yes.** Then the district named in the court order will be responsible for the cost of educating the CWD. This is the only responsibility of the district named by the court order unless the district named in the court order is also the child's district of residence or the district where the residential facility is located. If the district where the residential facility is located is not also the district of residence, the district where the facility is located will contact the district of residence to convene an IEP team meeting and write an IEP that confers a free appropriate public education (FAPE) on the child. The district where the residential facility is located will implement the IEP and bill back the cost to the district named in the court order.
- **No.** Then the district where the day treatment center or the chartered or non-chartered nonpublic school is located shall confer with the child's district of residence to convene an IEP team meeting and write an IEP that confers FAPE. The district of residence will implement the IEP and ensure that the child receives FAPE while attending the day treatment center. The district where the day treatment center is located has no responsibility for the education of these children.

III. Districts' Responsibilities When a Parent Places a CWD in a placement that is not defined as a "Home"

The following step will be followed, by the district where the day treatment center or the chartered or non-chartered nonpublic school is located and the district of residence, when a child with a disability (CWD) is placed by a parent in a day treatment center or a chartered or non-chartered nonpublic school that does NOT meet the definition of a home as defined in Ohio Revised Code 3313.64(A)(4).

Question: *Has the parent met with their district of residence's IEP team and been offered an IEP that confers FAPE on the child?*

- **Yes.** Then the district of residence has met its responsibility to this child and has no further responsibilities until the child re-enrolls in the district of residence. The district where the day treatment center is located has no responsibility to educate this child. The parent is the party responsible to ensure that the child is educated while receiving treatment in the day treatment facility. If the parent has enrolled the child in a chartered or non-chartered nonpublic school, then the district where

the chartered or non-chartered nonpublic school is located must confer with the chartered or non-chartered nonpublic school in a timely and meaningful way to determine whether or not the child will receive some special education and related services as part of the group of children with disabilities who will receive services under the federal Part B funds set aside as a proportionate share to serve children with disabilities placed in private schools by their parent.

- **No.** Then the district where the day treatment center is located, shall direct the parent back to their district of residence in order that the district of residence may have an opportunity to offer the child FAPE through the evaluation and IEP process. If the parent has enrolled the child in a chartered or non-chartered nonpublic school, then the public school district where that private school is located must conduct child find, determine if the child is eligible for special education and related services and if the child is determine to be eligible for special education and related services then confer with the private school as to whether or not this child will receive an individual services plan (ISP) to receive some special education and related services as determined by the public school district where the private school is located and the chartered or non-chartered nonpublic school.