



Guidance

Guidance for Timeline of Initial Evaluations for Students who are Parentally Placed in Private Schools

Michigan Department of Education Office of Special Education
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Private Schools

In Michigan, private schools include [non-public and home schools](#) registered and approved by Michigan Department of Education (MDE) Nonpublic and Home School Office. In this document, the term “private schools” includes registered home schools.

Students with Disabilities Attending Private Schools

According to [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#), students with disabilities attending private schools will generally fall into one of three categories:

- Those placed by their parents, who are not enrolled in the public school, and for whom the provision of a free appropriate public education (FAPE) is not at issue.
- Those placed by their parents and who are, or previously were, enrolled in the district and the provision of FAPE is at issue; and
- Those placed by the district to ensure that FAPE is made available.

As used in this document, the phrase “FAPE is not at issue” means there is no disagreement between the parent and Local Education Agency (LEA) about the availability of a program to provide FAPE to the child, and the parent has placed the child in a private school and is not seeking financial reimbursement for the private school placement.

Guidance for Timeline for Initial Evaluations

The procedures outlined in this document are specific to students attending kindergarten through 12th grade who attend a private school they were placed by their parents and for whom FAPE is not at issue.

To understand this guidance, one needs to distinguish between the terms district, district of location, and resident district within the procedures for students parentally placed in private schools.

- **District of location:** the public school district where the private school is located.
- **Resident district:** the district in which a student’s custodial parent, parents or legal guardian resides [[MCL 388.1603](#)]. If a student’s parent or legal guardian resides in different districts, either district may enroll the student as a resident, regardless of which parent or legal guardian has custody [[MCL 380.1148a](#)]. A student who has reached age 18 or who is an emancipated minor is a resident of the district in which the student resides.
- **District:** can refer to either the district of location or resident district depending on the unique circumstance which may include:
 - If the district of location and resident district are the same or two different public agencies.
 - If the parent has requested an evaluation from both the district of location and the resident district.

Child Find

Under [34 CFR §300.131](#), the district of location is responsible for locating, identifying, and evaluating all children with disabilities who are enrolled by their parents in private, including religious, elementary schools, as defined in [34 CFR §300.13](#), and secondary schools, as defined in [34 CFR §300.36](#), located in the LEA.

Additionally, [34 CFR §300.111](#) requires all districts must have policies and procedures to ensure all children with disabilities are identified, located, and evaluated. These procedures must include students with disabilities parentally-placed in and attending private schools. The child find procedures must be designed to ensure:

- The equitable participation of parentally-placed private school children; and
- An accurate count of those children.

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District child find activities must be similar to the activities for the agency's public school children.

Timeline: Ongoing

Child find is an ongoing federal mandate.

Rules/Regulations

- [34 CFR §300.111](#)
- [34 CFR §300.131](#)

Request for Initial Evaluation

Either a parent of a child or a public agency, as defined by [34 CFR §300.33](#), may request an initial evaluation when a student is suspected of having a disability. Requests for an initial evaluation may be submitted to the district of location or the resident district.

When a request is verbally made, the district which received the request, must support the parent in documenting this request. Failure to acknowledge a verbal request could result in a violation of child find requirements.

Within 10 school days of receipt of the written request, the district which received the request must provide written notice consistent with [34 CFR §300.503](#) and request written parental consent to evaluate, when appropriate. Procedural safeguards also must be provided upon initial referral or when the parent requests an evaluation in accordance with [34 CFR §300.504](#).

Timeline: Anytime

A request may happen at any time. The district which received the request has 10 school days to provide notice of whether or not it will be evaluating the student and request consent, if appropriate.

Rules/Regulations

- [R 340.1721](#)
- [R 340.1721b](#)
- [34 CFR §300.33](#)

- [34 CFR §300.301](#)
- [34 CFR §300.503](#)
- [34 CFR §300.504](#)

Review of Existing Evaluation Data (REED)

The district which received the initial request for an evaluation may decide to conduct a REED as part of an initial evaluation, although a REED is not required for an initial evaluation. The REED may be used to determine which evaluations are necessary to ensure a comprehensive evaluation in all areas of suspected disabilities. The requirements for conducting a REED are found in [34 CFR §300.305](#).

Notice and Request for Consent to Evaluate

The district which received the initial request for an evaluation must provide notice in accordance with [34 CFR §300.503](#), addressing whether or not the district will conduct an evaluation. When the district which received the initial request proposes to conduct an evaluation, the district must request parental consent for the following:

- To evaluate the student,
- To share information between districts, when the district of location is different than the resident district.

Timeline: Within 10 school days

Counted from the date either the district of location or resident district receives the written request.

Rules/Regulations

- [R 340.1721](#)
- [R 340.1721b](#)
- [34 CFR §300.300](#)
- [34 CFR §300.305](#)
- [34 CFR §300.503](#)

Evaluation and Notice of Eligibility

Evaluation

A Multidisciplinary Evaluation Team (MET) from the district which receives the request for an initial evaluation conducts the evaluation and makes a recommendation regarding eligibility.

Notice of Eligibility

Within 30 school days of receipt of written parental consent for evaluation, the non-public service plan team is convened to determine initial eligibility and provide notice consistent with [34 CFR §300.503](#).

The 30-school day timeline is counted from the date the district receives the parental consent to evaluate to the notice of eligibility. Evaluations are completed within the 30-school day timeline.

School day means any day, including a partial day that children are in school for instructional purposes. School days do not include snow days, teacher workdays, or other non-instructional days.

When the parent and the district agree, the timeline for the initial evaluation may be extended beyond 30 school days. The extension must be measured in school days and agreed to in writing on or before the 30-school day deadline.

Evaluation Rules/Regulations

- [R 340.1702](#)
- [R 340.1705-R 340.1717](#)
- [R 340.1721a](#)
- [R 340.1721b\(1\)](#)
- [34 CFR §300.11](#)
- [34 CFR §300.301](#)
- [34 CFR §300.304](#)
- [34 CFR §300.305](#)

Parental Consent for the Initial Provision of Programs and Services

Parental consent is required from the parent to the district of location (for a services plan) or from the resident district (for FAPE with Individualized Education Program (IEP)) before special education programs and services are provided to a student for the first time.

Timeline: Within 10 school days

Counted from the date the relevant district provides the notice.

Rules/Regulation

- [R 340.1721b](#)
- [34 CFR §300.300\(b\)](#)

Provision and Implementation of Services Plan for a Student Remaining in Private School

When a determination is made through the evaluation process, a student has a disability under [34 CFR §300.8](#) and needs special education and related services, and a parent makes clear their intent to keep their child enrolled in the private elementary or secondary school located in that district, then the resident district is not required to make FAPE available to the student. The district of location may develop a services plan in accordance with [34 CFR §§300.132\(b\)](#), [300.137\(c\)](#), and [300.138\(b\)](#). The services available for any parentally placed private school student are determined through the consultation process with the private school. For more information, see [IDEA Equitable Services at a Glance](#).

Services Plan Rules/Regulations

- [R 340.1721b](#)
- [R 340.1721e](#)
- [34 CFR §300.17](#)
- [34 CFR §300.22](#)
- [34 CFR §300.23](#)
- [34 CFR §§300.132-144](#)

Services Plan Implementation

The district of location implements the student's services plan in [34 CFR §300.138\(c\)](#).

Timeline: As soon as possible following the development of the services plan, special education, and related services are made available in accordance with the student's services plan.

Offer of FAPE for Student Enrolling in Public School

When a determination is made through the evaluation process that a student has a disability under [34 CFR §300.8](#) and is eligible to receive special education and related services, and the parent chooses to enroll the student in a public school, then the resident district is obligated to develop an IEP and make FAPE available to the student.

- [34 CFR §300.306](#)
- [34 CFR §§300.320-324](#)

Additional Resources

- [IDEA Equitable Services at a Glance](#)
- [Nonpublic & Home Schools](#)
- [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)