

## Frequently Asked Questions Related to Serving Students with Disabilities with Individualized Education Accounts (IEAs)

This document is intended to answer some of the common questions asked by educators and families about serving students with disabilities who have IEAs.

### **1. *Is a student participating in the IEA Program still eligible under IDEA?***

Yes. While a student participating in the IEA program does not retain the right to receive special education and related services through an Individualized Education Program (IEP), the participating student can continue to be eligible under IDEA and to receive equitable services through an Individualized Service Plan (ISP). Enrollment in the IEA program does not result in automatic non-eligibility determinations. Eligibility decisions are made solely by the student's IEP team.

### **2. *If a student gets a new Individualized Education Account, what should happen at the school district level?***

Once a student has been determined eligible for and chosen to participate in the IEA program, prior to being coded as enrolled in the IEA program, the parent/guardian and the local educational agency (LEA) must convene a meeting, in consultation with the parent and private school representative(s), if applicable, to determine if the student will receive services through an Individualized Service Plan (ISP).

### **3. *What special education and related services is a student entitled to through an ISP?***

Decisions about which services and the number of services students with disabilities enrolled by their parents in private schools will receive are made during the consultation process and are based on the needs of the parentally placed private school students with disabilities designated to receive services. These students have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school. See 34 C.F.R. § 300.137(a). The regulations specify that the LEA makes the final decisions about the services to be provided to eligible parentally placed private school students with disabilities, based in part on input provided through the consultation process by appropriate private school representatives and representatives of parents of parentally placed private school students with disabilities. See 34 C.F.R. § 300.137(b)(2). These decisions cannot be made in advance of or in the absence of timely and meaningful consultation with private school representatives, if applicable, and with the parents of parentally placed private school students with disabilities.

**4. *Should the student remain active in the EasyIEP system?***

Yes. Students who choose to participate in the IEA Program should remain active in EasyIEP. Districts should change the status of service of the student from 'Full Special Education Support Service' to 'Enrolled in private program at choice and at parent's expense, with special education services provided by the LEA.' A compliance symbol may appear after 30 days as the system calculates time and determines no IEP/ISP has been written, but this will not work against any determinations for the district. The department is working with PCG on system updates at this time.

**5. *Many families notify school districts of IEAs in the summer months when teachers are still on summer break. Is it suggested that districts still schedule the meetings in the summer or wait until July 1 when IEAs for that year go into effect?***

Each LEA must consult in a timely and meaningful way with private school representatives and the parents of parentally placed private school students with disabilities during the design and development of special education and related services for parentally placed private school students. See 34 C.F.R. § 300.134. LEAs should schedule the meeting when they can access both the parent and private school representative(s), as the meeting should focus on developing and offering an ISP.

**6. *If a family declines the offer of an ISP, how does the school district document that in EasyIEP?***

Best practice is for school districts to document the declination of the ISP via a prior written notice. Written documentation should be provided and retained. LEAs should maintain the student's eligibility as LEAs are still required to conduct triennial reevaluations. A compliance symbol may appear after 30 days as the system calculates time and determines no IEP/ISP has been written, but this will not work against any determinations for the district. The department is working with PCG on system updates at this time.

**7. *If the student's eligibility continues in EasyIEP, will a triennial reevaluation be required eventually?***

Yes. The student's special education eligibility should be reevaluated at least every three years.

**8. *If a student was previously found non-eligible by the school district based only on the fact that he had an Individualized Education Account, what should happen now?***

If a participating student had previously been found non-eligible by the LEA due only to enrollment in the IEA program, the LEA should contact the parent/legal guardian to offer an evaluation. If the student is found eligible by the IEP team, the LEA should offer to convene a meeting with the student's family and representatives from the private school, if applicable.

**9. *What public school system is responsible for determining eligibility and writing the services plan?***

Students enrolled in nonpublic schools (including umbrella homeschool programs) should request an eligibility evaluation from the local educational agency in which the nonpublic school is located. Students enrolled in independent home schools should request an eligibility evaluation from the LEA in which the student resides.

**10. *If services to parentally placed private school students with disabilities are provided off-site, who provides the transportation for the student?***

The U.S. Department of Education generally believes that, unless there is a compelling rationale for these services to be provided off-site, LEAs should provide services on-site, at the student's private school, to not unduly disrupt the student's educational experience. If transportation is necessary for the student to benefit from or participate in the service to be provided, then the school district must provide the transportation, although it is not always considered a related service. (The school district is not required to transport the student from the student's home to the location of services.)

**11. *If a student with an IEA lives in District A but attends a private school in District B, how should that be shown in EIS and EasyIEP?***

The student must stay enrolled in District A's EIS for funding purposes with IEA. District A would use "Primary" as the Type of Service (TOS) in EIS. The district where the private school is geographically located, District B, should also enroll the student in EIS using "Service" as the TOS enrollment type. Both districts should follow the guidance found on the IEA webpage [here](#) regarding other EIS coding.

In EasyIEP, the district where the private school is geographically located will be responsible for the triennial evaluation of the student as well as the Individualized Services Plan, if requested. District B should follow regular procedures for requesting the record from District A through EasyIEP. Upon request for the transfer, District A will inactivate the student's record in EasyIEP, and select "Entering IEA, attending private school in other district."

**12. *Where is this discussed in regulations?***

You can read about services plans in general at [34 C.F.R. §§ 300.130-144](#). Federal guidance around services plans and the IEA can be found in Section K of this [IDEA policy document](#).