

The Failure of Child Find for Students Attending Private Schools

This white paper is an update to a MDEC (Michelle Doyle Educational Consulting, EES's predecessor organization) 2019 white paper on the failure of the child find process for students attending private schools. It is provided to assess similar data six years later, continue and advance the discussion of special education and related services under IDEA for parentally placed students attending private schools.

This white paper focuses on public data from State Education Agencies (SEAs) and a number of LEAs concerning the number of children attending private schools who have been found through IDEA to have disabilities and the funds generated by these students. Additionally, this paper contains a review of relevant research since 2002 that was conducted to determine equitability for students suspected of having a disability and attending private schools.

A. The Issue: The Failure of Child Find for Students Attending Private School

“§ 300.131 Child find for parentally-placed private school children with disabilities.

(a)General. Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§ 300.111 and 300.201.”

It is clear in federal regulations that LEAs have an affirmative responsibility to students attending private schools and suspected of having a disability to **locate** such students, and once located, work to identify through evaluation which of these children have a disability and are in need of special education and related services. This is “child find” and it is a civil right within the law.

The data that follow from LEAs and SEAs paint a picture of the very opposite in many places and the more current data show the problem has continued since 2019. Children in private schools are not identified with a disability through IDEA at the level that studies since 2002 indicate exist in private schools (Appendix A). Private school respondents in these studies have consistently reported that LEAs are not forthcoming with information, difficult to work with, and reticent to conduct child find and provide services to students with disabilities attending private schools.

According to these studies, the rate of students with disabilities attending private schools is somewhat more than half of the rate of students with disabilities attending public schools (that is, between 6% and 9%). However, the public data indicate that in many LEAs and States the rate of private school students identified as having a disability is a much smaller fraction of the rate of public school students with such an identification.

As it was reported in 2019 the exception to these percentages is in states with programs requiring and paying the cost of effective child find processes that more accurately locate and identify private school children with disabilities. These states (Indiana, New Jersey, New York, and Ohio) together average 8.5% of private school students as being identified through child find as having a disability. The updated data are from the 2022-23 school year. In Table A, below, we have applied this average to generate an estimate of underfunding in states below that benchmark.

B. The Data

For a focused group of states, data were collected from public sources for a focused group of states and districts such as IDEA applications by SEAs to the U.S. Department of Education and by LEAs to their appropriate SEA for 2022-23. The data collected thus far for states are contained below in Tables A.

Across the states from which data were collected, approximately 16% of public school students were identified through IDEA as students with disabilities. For private school students, this percentage is 4.7%. When states with programs supporting the assessment of private school students are taken out of the calculation, the percentage of private school students identified as students with disabilities is 1.9%, while the percentage in those states with affirmative state programs is 8.5 — which is about half of the public school percentage of identified students, bearing out the estimation from decades of studies on the topic.

TABLE A Data collected for 2022-23 from selected SEAs and the percentage of private school children identified in the 2019 paper 2016-2017

State	Total IDEA Funding	IDEA Funding for Parentally placed Private School Students	% of public school students with disabilities for 2022-2023 SY	% of public school students with disabilities for 2016-2017 SY for 2019 White Paper	Per Pupil Allocation	Number of Private School Students Identified with Disabilities	Percentage of All Private School Students Identified with Disabilities for 2022-2023	% of private school students with disabilities for 2016-2017 SY for 2019 White Paper	Estimate of under-funding of private school IDEA*
ARIZONA	\$250,391,123	\$3,288,880	13.00%	11.30%	\$1,678	1960	2.91%	0.60%	\$ 6,322,439
CALIFORNIA	\$1,474,673,509	\$13,655,117	14.00%	10.90%	\$1,759	7763	1.57%	0.50%	\$ 60,298,404
WASHINGTON DC	\$22,045,155	\$401,830	15.70%	14.80%	\$1,430	281	1.63%	0.60%	\$ 2,094,947
FLORIDA	\$787,541,630	\$39,089,358	15.00%	12.00%	\$1,738	22,491	4.62%	4.10%	\$ 32,834,456
ILLINOIS	\$570,895,141	\$16,959,306	16.00%	12.50%	\$1,869	9,074	4.07%	2.40%	\$ 18,500,746
INDIANA	\$316,356,506	\$13,618,170	18.00%	14.50%	\$1,685	8,082	9.00%	7.60%	N/A
MARYLAND	\$262,557,193	\$7,565,102	13.00%	10.60%	\$2,203	3,434	2.40%	0.80%	\$ 19,234,497
MASSACHUSETTS	\$321,458,477	\$1,991,294	20.60%	16.20%	\$1,679	1,186	1.75%	1.00%	\$ 7,690,036
MICHIGAN	\$466,887,225	\$13,457,680	14.00%	12.10%	\$2,258	5,960	4.40%	3.00%	\$12,544,995
NEW JERSEY	\$433,111,818	\$43,197,750	18.00%	15.20%	\$1,578	27,375	13.00%	9.80%	N/A
NEW YORK	\$990,900,505	\$34,329,156	18.50%	15.70%	\$2,001	17,156	4.27%	4.60%	\$ 33,934,671
OHIO	\$521,832,875	\$38,647,536	17.00%	13.40%	\$1,776	21,761	13.00%	9.50%	N/A
PENNSYLVANIA	\$466,887,225	\$6,746,337	19.20%	16.30%	\$1,417	4,761	1.88%	2.30%	\$ 23,718,627
TEXAS	\$1,387,178,689	\$7,293,939	13.00%	8.50%	\$1,923	3,793	1.16%	1.80%	\$ 46,229,161

* Philadelphia School District's recent count dated 10/2025, that only 45 private school students were located, evaluated, and identified while 35,083 public school students were identified.

C. What the Law Requires for Students Attending Private Schools

IDEA is both a civil rights statute and a federal education program. The two civil rights provided for in the law are:

1. Every child suspected of having disability must be evaluated; and
2. Any child found to have a disability must be provided with a free, appropriate public education (FAPE).

It is clear through the law, regulations, and guidance that private school students are included in the child find requirement and in the benefits of IDEA, although benefits for parentally-placed private school students are limited to the amount of federal funding available to meet their needs.

The regulations for IDEA Part B make this responsibility clear:

“§ 300.131 Child find for parentally placed private school children with disabilities.
(a) General. Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§ 300.111 and 300.201.
(b) Child find design. The child find process must be designed to ensure—
(1) The equitable participation of parentally placed private school children; and
(2) An accurate count of those children.
(c) Activities. In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency’s public school children.
(d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under § 300.133.
(e) Completion period. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with §300.301.
(f) Out-of-State children. Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.
(Approved by the Office of Management and Budget under control number 1820–0030) (Authority: 20 U.S.C. 1412(a)(10)(A)(ii))”

Additionally, FAQs (February 2022) from the U.S. Department of Education on serving children with disabilities placed by their parents in private schools explain the LEA’s responsibility for child find for children attending private schools:

“Question A-2: What are the responsibilities of the LEA where private schools are located for identifying children with disabilities placed by their parents in private schools?

Answer: Under 34 C.F.R. § 300.131, the LEA where private schools are located 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 C.F.R. § 300.13, and secondary schools, as defined in 34 C.F.R. § 300.36, located in the LEA. This responsibility is known as child find. The LEA, in conducting child find for parentally-placed private school children

with disabilities, must undertake activities similar to activities undertaken for the agency's public school children. 34 C.F.R. § 300.131(c).

The child find process must be completed in a time period comparable to that for students attending public schools in the LEA. 34 C.F.R. § 300.131(e). There are several possible ways that an LEA where private elementary or secondary schools are located can meet its child find responsibilities. For example, the LEA may assume the responsibility itself, contract with another LEA (including the LEA where the child's parent resides), or make other arrangements by contracting with a third party to conduct child find activities. Also note that, under 34 C.F.R. § 300.134(a)(2), during consultation between the LEA and private school officials and parent representatives, the LEA must discuss how parents, teachers, and private school officials will be informed of the child find process. (Please see Question B-1 below for further information regarding requirements for consultation.) During consultation, the LEA can solicit ideas from participants about ways to engage and educate stakeholder groups about what is involved in locating, identifying, and evaluating children with suspected disabilities under IDEA who are enrolled by their parents in private schools. Examples of such practices include but are not limited to: holding professional development sessions for private school teachers on IDEA's evaluation and reevaluation requirements, posting flyers in private school facilities to inform stakeholders of the availability of child find, and facilitating round table discussions with community members.

It is important to remember that child find is an ongoing process. Therefore, if a child who is enrolled by his or her parents in a private school without having been previously identified as a child with a disability under 34 C.F.R. § 300.8, is suspected of having a disability during the school year, the LEA where the private school is located is responsible for ensuring that the child is evaluated, subject to parental consent as defined in 34 C.F.R. § 300.9, consistent with the requirements in 34 C.F.R. §§ 300.300 through 300.311. In addition, it is possible that a child who was previously evaluated by another LEA and was not found eligible for special education and related services may be enrolled by his or her parents in a private school located in a different LEA where the child is later evaluated and found eligible for special education and related services.

The answer in FAQ A-10 adds,

"The child find provision in 34 C.F.R. § 300.111 addresses the responsibility of a State to conduct child find for all children with disabilities residing in the State, including children with disabilities attending private, including religious, elementary, and secondary schools. It ensures that all children with disabilities residing in the State are identified, located, and evaluated. Section 300.111, which applies to States, is much broader in scope than 34 C.F.R. § 300.131."

The U.S. Department of Education revised its guidance document in February, 2022, "Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools" Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools (PDF). There are several key concepts worth noting that provide context to the significance of the concerns and the findings of this white paper. It is often these key concepts that are ignored in the LEA implementation of the IDEA.

1. Consultation between public and private school officials and representatives of parents of parentally placed private school students must discuss how parents, teachers, and private school officials will be informed of the Child Find process. (Questions A-2, B-1, B-2, B-3).
2. The LEA may not require a private school to implement a response-to-intervention (RTI) process before the LEA evaluates a private school child. (Question A-3).

3. The LEA has the obligation to count the number of children attending private schools located in the LEA and found to have a disability. This count is used to calculate the proportional share and is subject to a specific timeline. (Question A-7, A-8, D-7, N-2, N-3).
4. Under certain circumstances, the LEA is required to re-evaluate parentally-placed private school children with disabilities. (Question A-9).
5. The cost of the Child Find process and evaluation cannot be deducted from the required amount of the IDEA funds to be expended for equitable services. (Question A-11).
6. The LEA cannot exclude certain disabilities from evaluation. (Question A-12).
7. Parents that disagree with the evaluation may request an independent educational evaluation at public expense. (Question A-13). Parents also have the option to file a due process complaint to request a due process hearing with the LEA if they disagree with the initial or re-evaluation of the child. (Question A-14).
8. An organization (including a private school organization) may file a signed, written complaint alleging that a LEA or SEA has violated a requirement of IDEA Part B, including a violation of the Child Find requirements. (Question A-15).

Those found to have a disability must be offered FAPE. If the parents accept the offer of FAPE, all required services are provided for the student in the public school. If the parents refuse the offer of FAPE and make known their intention to enroll or continue the enrollment of the child in a private school, they have then received the civil rights protections due to their child. At this point, the child is considered a “parentally placed private school child” and no longer has an individual entitlement for services as long as the child remains in a private school. Instead, the parentally placed private school child generates federal funds and these funds are used to serve the group of eligible students with disabilities, but no member of the group has an individual entitlement to services while remaining in the private school. Since federal funds are less than 20% of the cost of special education and related services under IDEA, the usual situation is that there are not sufficient funds to meet all the needs of each member of the group of parentally placed private school children.

3. Next Steps

1. Continue to obtain publicly available data on the child find process for private school students.
2. Provide the preliminary information gathered to officials at the U.S. Department of Education in a meeting organized through the Office of Non-Public Education. Through discussion and deliberation, devise a plan of action that can include:
 - A.** Review the FAQs and make the necessary revisions to strengthen guidance on consultation and the Child Find process as it relates to private school students; provide greater clarity regarding the proportionate share allocated to each private school and the cost of services; enhance oversight of LEA and SEA compliance; and establish a detailed timeline for the resolution of the complaint process.
 - B.** Ensure that the monitoring by OSEP that results in findings is followed through with corrective action.

- C. Ensure that state monitoring processes are cognizant of the content of the FAQs particularly as it relates to child find.
 - D. Provide a policy letter or other means of reminding public school officials of their obligation to locate, identify and evaluate private school children through the child find process. This is especially important if the monitoring produces common findings, particularly as it relates to child find for private school students,
 - E. Provide a policy letter or other means of reminder to SEAs of their obligation to gather data annually on the number of private school students evaluated, found to have a disability, and provided services through IDEA.
3. With appropriate partners, increase training opportunities for private school leaders so that they can adequately represent and support their students in all aspects of IDEA. Include in training the instructions for requesting data from the participants' LEAs that is required by IDEA to be recorded by the LEA.
 4. Seek a full reauthorization to address issues that impede private schools from participating in the Child Find process and from effectively utilizing their proportionate share of IDEA funding. The last reauthorization occurred in 2003, and current funding is based on the most recent complete application at that time—the 1999 grant application.

Appendix: Review of Studies on the Participation of Private School Students in IDEA

Data on parentally placed private school students may be difficult to assemble, but there have been a few studies that provide some insight into the issue of funding. Additionally, IDEA 2004 requires that each LEA provide on an annual basis to the State Educational Agency (SEA) data on the number of private school children who completed the child find process, the number of those children found to have disabilities, and the number of those children served.

2002 Study by the United States Conference of Catholic Bishops (USCCB)

The 2002 USCCB study was conducted in anticipation of Congress' consideration of amendments to IDEA, specifically Part B. The study surveyed the largest 10 diocesan school systems and over-sampled for urban areas to ensure a representative sample.

The findings from this study relevant to this report provided the following conclusions:

1. Catholic schools serve special needs children in all disability areas. Approximately 7% of Catholic school students were found to have disabilities, as compared to 11% of public school students at the time of the study.
2. At the time of the study, the child find process was inconsistently administered and difficult to access for the parents of children suspected of having disability and attending Catholic schools. Local interpretations meant the process for obtaining a child find evaluation differed widely, and parents reported to private school principals that local officials were often unsure of the process for children attending private schools, or the process was determined by the personnel in charge at the time of the request.
3. Of the group of Catholic school students suspected of having a disability who were denied an evaluation by the public school district or found not to have a disability by the public school district, 90% were found to have a disability by a private evaluator.

Indiana Non-Public Education Association Federal Access Initiative Study 2009

The University of Notre Dame's ACE Consulting (ACE) and the Indiana Non-Public Education Association (INPEA) collaborated on a study to determine the level and quality of participation in IDEA for students attending Indiana private schools associated with INPEA. Membership of INPEA consists of the multiple private school organizations representing private schools in the state of Indiana.

The findings relevant to this paper include:

1. 97% of principals reported that they educated children with disabilities in their schools.
2. Only 25% reported that their public school district consistently conducted child find for private school students suspected of having a disability.
3. Most private school principals did not know the amount of funds available or how it was calculated, and this information was not provided during the consultation process.

Mid-Atlantic Catholic Schools Consortium Federal Access Initiative Study 2010

The Mid-Atlantic Catholic Schools Consortium (MACSC) conducted a study of the Catholic schools of the five arch/dioceses that made up the consortium: the Archdioceses of Baltimore and Washington, and the Dioceses of Arlington, Richmond, and Wilmington.

The findings from this study relevant to this report provided the following conclusions:

1. Catholic schools in the Mid-Atlantic arch/dioceses educated children with disabilities and provided services for them, independent of any state or federal support for special education services and benefits.
2. In the Mid-Atlantic arch/dioceses, child find was not consistently provided to Catholic school students who were suspected of having a disability. When child find was carried out, it was not always timely. There was no confidence that child find was carried out in a way that accurately identified Catholic school students with disabilities.
3. Catholic school principals in the Mid-Atlantic arch/dioceses did not always know the IDEA funding available or how it was generated. Public school districts were not cooperative or knowledgeable about their responsibilities toward parentally placed private school students.

Archdiocese of Philadelphia Study March 2017

IDEA was part of a larger study conducted by the Archdiocese of Philadelphia regarding federal and state education program participation. It included a state program for special education, Act 89, as well as IDEA. In addition to the online survey and analysis of data, site visits were conducted to develop a fuller picture of services being delivered through IDEA.

Relevant findings provided the following conclusions:

1. Child find was inconsistently conducted by the public entities responsible for doing so (LEAs and the intermediate units in Pennsylvania which act on behalf of some LEAs for administering federal education programs to private school students). The consultation process was not providing sufficient information and guidance for private school principals to be meaningfully involved in identifying students with disabilities or providing services for them.

2. 95% of principals in the Archdiocese of Philadelphia were not told the amount of funding their students with disabilities generated under IDEA to serve children with disabilities attending schools in the Archdiocese of Philadelphia. 87% did not know how many students attending schools in the Archdiocese of Philadelphia were being counted by the LEAs or intermediate units for the purpose of generating funding.
3. Most special education services being publicly provided were provided through Act 89, but neither the evaluation to qualify for Act 89 services nor the psycho-educational assessments performed under Act 89 were used for IDEA child find. Therefore, Act 89 students assessed as having educational problems were not identified as generating funds or eligible for services through IDEA.

Exceptional Learners in Catholic Schools Benchmarking Survey Report, 2017

This study included an online survey of 53 superintendents and 119 principals from Catholic schools across the country. It was conducted by researchers Boyle, Bernards, and Davoren in collaboration with the National Catholic Educational Association (NCEA).

The findings from the study relevant to this report provided the following conclusions:

1. 73% of principals believe there are undiagnosed students in their buildings.
2. Students with diagnosed disabilities comprised 9.3% of the overall population of Catholic schools in this study.
3. Most of the referrals for evaluation came from classroom teachers, followed by parents and special education teachers.
4. The Child Find process was inadequately identifying students.

National Study 2019 United States Conference of Catholic Bishops and National Catholic Educational Association

This study has completed survey process for data collection and conducted listening sessions across the nation. Currently the survey data are being analyzed for writing the final report. As of October 2019, the key takeaways are as follows:

1. There exists widespread lack of awareness about IDEA. Slightly more than 9% possess no awareness about IDEA, 37% of principals report that they possess little awareness of IDEA, and 43% possess only moderate awareness.
2. Consultation is not being implemented across all LEAs. For instance, 6% of superintendents have indicated that none of the LEAs with whom they work engage in consultation while slightly more than 9% have indicated that less than half do.
3. Child find is not being conducted across all LEAs. For instance, while 62% of principals indicate that child find is occurring, 38% report that child find is not occurring.
4. There is a large gap between the number of students who are referred for evaluation and the number of students who are identified by LEAs as requiring special education services. For instance, 40% of superintendents report that less than 25% of students suspected of having a disability and referred for child find have been identified by the LEA as needing special education services. Similarly, 43% of principals have indicated that 50% or less of students suspected of having a disability have been identified by the LEA.

Grant (2020) – *Creating Equitable Child Find Policies*

This research examines how state and district policies shape equitable identification of students with disabilities.

1. Examines how state and district Child Find policies vary significantly, leading to uneven identification of students with disabilities across sectors.
2. Finds that private-school students are often overlooked or identified later due to inconsistent outreach and referral procedures.
3. Highlights legal obligations under IDEA requiring comparable identification efforts for private-school students.
4. Recommends stronger state oversight and standardized Child Find procedures to ensure equitable access.

Olson (2021) – *Bad IDEA: Structural Problems in Equitable Participation*

The report argues that failures in Child Find, consultation, and proportionate-share funding systems often prevent private-school students with disabilities from receiving the IDEA services they should equitably access.

1. Argues that IDEA's framework creates structural barriers for parentally placed private-school students.
2. Highlights that these students are not entitled to FAPE, resulting in fewer services than public-school peers.
3. Identifies problems in proportionate share calculations and service delivery mechanisms.
4. Suggests policy reforms to strengthen equitable access to evaluations and services.

Virginia Public–Private Collaboration Study (2021)

A survey of 43 public special-education directors and private-school administrators found that effective communication, shared purpose, and organizational structures are key factors determining whether public–private partnerships successfully serve students with disabilities.

1. Surveyed public special-education directors and private-school administrators about IDEA service implementation.
2. Found that regular communication and consultation strongly improve service delivery.
3. Identified common barriers including lack of trust, misunderstanding of roles, and administrative burdens.
4. Concluded that formal collaboration structures increase identification and service participation for private-school students.

National Council on Disability – Monitoring and Enforcement of IDEA

Federal review concluding that weaknesses in monitoring and enforcement systems often allow IDEA compliance problems—including Child Find failures—to persist.

1. Federal review of IDEA enforcement systems.
2. Found that monitoring systems often fail to correct noncompliance quickly or consistently.
3. Identifies weaknesses in the federal and state oversight structure responsible for ensuring

compliance.

4. Calls for stronger enforcement tools and improved accountability mechanisms.

Villanueva Alarcón (2024) – The Dim Prospects of Child Find

This study demonstrates that structural weaknesses in Child Find systems result in many children—particularly those outside public schools—being overlooked for disability identification.

1. Explores structural weaknesses in the Child Find process used to identify students with disabilities.
2. Argues that students outside traditional public systems—including private-school students—are more likely to be overlooked.
3. Identifies administrative and informational barriers that prevent families from accessing evaluations.
4. Suggests that stronger enforcement and outreach mechanisms are necessary for equitable identification and access to services.

SAGE Study (2024) – Addressing Inequity in Special Education Referrals

The study finds that inequities in referral and evaluation systems can lead to uneven identification of students with disabilities, highlighting the need for stronger oversight and more proactive identification practices.

1. Analyzes referral patterns in special education identification systems.
2. Shows that referral and evaluation systems often produce inequitable outcomes across school sectors.
3. Highlights the need for proactive screening and outreach to non-public school populations.
4. Suggests improving data collection and oversight of identification practices.