

## Parent Information Regarding Children with Disabilities Enrolled by Their Parents in Private Schools

Your child has been found eligible for special education services, however, you are declining the free and appropriate public education offered by Fairfax County Public Schools (FCPS) and have enrolled your child in a private school in Fairfax County. A private school child with a disability does not have an individual right to receive some or all of the special education and related services that a child would receive if enrolled in a public school. FCPS has determined that your child may receive designated special education and related services with your consent. An individual services plan (ISP) will be developed by designated school staff and you, the parent.

If you have a complaint regarding the provision of services to your child, you may file that complaint with the Virginia Department of Education according to the provisions stated below. You may seek a due process hearing only when you believe FCPS has failed to meet child find or evaluation requirements. Should you need assistance in understanding these provisions, please contact Due Process and Eligibility at 571-423-4470.

### State Complaints

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Whenever an individual or organization believes that the rights of parents or children with disabilities have been violated by FCPS, a complaint may be filed with the Virginia Department of Education. The complaint must:

1. Be in writing;
2. Be signed by the complainant;
3. Contain a statement that FCPS has violated the Individuals with Disabilities Education Act (20 USC \*\*1400 et seq.) or Regulations Governing Special Education Programs for Children with Disabilities in Virginia;
4. Contain a statement of the facts upon which the complaint is based, with all relevant documents.

Upon receipt of a complaint, the Virginia Department of Education will initiate an investigation to determine whether or not FCPS is in compliance with applicable laws and regulations in accordance with the following procedures:

- Notify the complainant, in writing, that their complaint has been received and provide FCPS with a copy of the complaint, an offer of technical assistance in resolving the complaint, and a request for a written response within 10 business days of the receipt of the letter of notification;
- Notify FCPS that a complaint has been received and provide FCPS with a copy of the complaint, an offer of technical assistance in resolving the complaint, and a request for a written response within 10 business days of the receipt of the notification;
- Review the complaint and the response filed by FCPS;
- Determine whether any further investigation, or corrective action, is necessary;
- Make a determination of compliance or noncompliance on each issue based upon the facts and applicable law;
- Notify the parties, in writing, of the findings and the basis for such findings within 60 calendar days of the receipt of the complaint, unless exceptional circumstances warrant an extension;
- Ensure that the final decision is effectively implemented, if needed, through technical assistance, negotiations, or corrective action.

If any corrective action is required, FCPS will be given 15 administrative days to respond and initiate corrective action. Corrective action plans shall include timelines not to exceed 30 administrative days.