

## **PARENT ALERT: CONFIDENTIAL FUNDING AGREEMENTS BETWEEN PARENTS AND LOCAL EDUCATION AGENCIES – MITIGATE IDEA PROTECTION**

There is an increasing frequency of child placement and treatment cost-sharing agreements between parents and local education agencies in order to provide out of school services to special needs students.

These “legal” agreements are usually:

1. Confidential
2. Cost-sharing
3. Time limited
4. Outside the parameters of IDEA and due-process mandates and special education stipulations to protect the child
5. Remove the child from special education services eligibility outside the placement agreement for cost-sharing
6. Assign specific costs to parents
7. Do not allow an Individual Education Plan written by the sending school (LEA).

The concern about the “child placements” of this type is that they are in lieu of the IEP and/or due process provisions available to special education students.

Further the child is no longer protected by the provisions of the IDEA, federal legislation that ensures the rights of special needs students. Such arrangements place an undue financial pressure on the parents that mitigates the intent of a free and appropriate public education.

Parents are frequently under stress, emotional pressures and a condition of frustration in their attempt to obtain appropriate education and treatment for their child. And under such circumstances, parents often accept the confidential financial agreement brokered by their local education agency.

The implications for a child’s future service eligibility, access to social security disability, on-going adult services, and needed education and treatment services throughout the child’s pre-diploma years is often compromised, if not prevented, by such cost sharing agreements.

The provisions of IDEA are legislated to ensure the protection of the rights of children and adolescent individuals with special needs and their families.

It may not be in your child’s best interest to give up their right to IDEA and other state statutory protections by signing agreements in lieu of the IEP process associated with IDEA due process procedures. Child rights should not be brokered away by “cost sharing” confidential agreements. It is important to follow the provisions provided by IDEA and obtain services through the PPT/IEP process.