



You can't find a permanent placement for your child: What happens next?

Whether you are looking for a placement for your child for the first time or their current placement has fallen through, looking for a placement can be extremely stressful. Still, school districts have certain legal obligations to your child.

What schools are obligated to provide.

- Quality education. By law, schools are required to provide “substantially and materially the same” educationⁱ; the education students in permanent residential placements are receiving should be comparable to the education students who are not in placements are receiving.
- Free of cost. If residential placement is found to be necessary for a student, it should be provided at no cost to the parents.ⁱⁱ
- Least-restrictive environment. Schools are required to find a placement that is the least restrictive for students.ⁱⁱⁱ This means finding a placement that is closest to a regular classroom environment with the least amount of segregation between students with disabilities and non-disabled students.
- Notice. Schools are required to give parents prior written notice if there is a substantial or material change to the child’s educational program.^{iv}

What this means. This means that a school is required to look for a placement that is suitable, “substantially and materially the same”, for your child. If they cannot find a permanent placement, then they are required to put an interim placement plan in place. The interim plan does not have to be residential, but it does have to match the student’s IEP plan as much as possible while permanent arrangements are made.^v

What you can do.

- Stay in contact with the school. Work closely with the school to find a placement for your child. Expect them to be transparent with you about their search for placements and for them to reach out to you about placement options.
- Find your own placement. If you find a comparable interim placement while the school has failed to do so, the school may have to pay for that arrangement.^{vi} The school may have to pay for the placement regardless of whether the child has insurance, and it may have to reimburse parents if they incurred any costs for the placement.^{vii}

ⁱ *Letter to Fisher*, 21 IDELR 992 (OSEP 1994)

ⁱⁱ 34 C.F.R. § 300.104 (2006)

ⁱⁱⁱ 34 C.F.R. § 300.114 (2006)

^{iv} 34 C.F.R. § 300.503(a) (2006)

^v See *Davis v. District of Columbia*, 80 F.4th 321, 324-25 (D.C. 2023)

^{vi} *L.G. v. N.Y.C. Dep't of Educ.*, 2023 U.S. Dist. LEXIS 197685 1, 13 (S.D.N.Y. 2023)

^{vii} *Lauren G. v. West Chester Area Sch. Dist.*, 906 F. Supp. 2d 375, 390-91 (E.D. Pa. 2012)