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U.S. Department of Education Orders Statewide IDEA Corrective Action in California

Federal decision validates major concerns raised by California private-school leaders and requires corrective action on consultation, child find, IDEA proportionate-share funding, and State complaint procedures.

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ADAC Advocacy welcomes a significant decision by the U.S. Department of Education requiring the California Department of Education (CDE) to

undertake statewide corrective action concerning the implementation of IDEA equitable services for parentally placed private-school children with disabilities.¹

The August 3 decision follows complaints submitted by the Archdiocese of San Francisco and the Diocese of San Diego concerning the San Francisco Unified School District (SFUSD) and the North Coastal Consortium for Special Education (NCCSE) and its member local educational agencies. The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) independently reviewed the matters after the complainants were dissatisfied with CDE's decisions and submitted the matters to the U.S. Secretary of Education under IDEA's private-school complaint procedure.²

The decision is particularly important because its corrective actions extend beyond the districts involved. CDE must take steps to ensure compliance by LEAs and Special Education Local Plan Areas (SELPAs) throughout California in several critical areas.³

"This is a significant victory for California's private-school students, but the real measure of success will be what happens next," said John Elcesser, Executive Director of ADAC Advocacy. "The Department's decision makes clear that meaningful consultation, effective child find, and accurate proportionate-share calculations directly affect whether students receive the services available to them under federal law. Our focus now is on ensuring these corrective actions produce lasting change."

"This decision shows why a strong, unified private-school voice matters," said Tara Rolle, Ed.D., Executive Director of the California Association of Private School Organizations (CAPSO). "When schools and advocacy partners work together with persistence and clarity, we can create meaningful systemic change."

"This decision has significance far beyond California," said Ariella Hellman, Senior Vice President for Public Policy and Advocacy at ADAC Advocacy. "It sends a clear message to LEAs across the country that IDEA's equitable-services requirements are not optional. We hope this decision will strengthen compliance for private-school students with disabilities nationwide."

Four Major Takeaways

1. IDEA consultation must be genuinely meaningful. IDEA requires LEAs to consult with private-school representatives and representatives of parents concerning child find, proportionate-share funding, the consultation process, service delivery, and disagreements regarding services.⁴ OSERS found that the consultation conducted by NCCSE and SFUSD did not meet federal requirements, including because private-school representatives were not always afforded meaningful participation and due consideration before important decisions were made.⁵ CDE must now ensure statewide compliance with these requirements, including written explanations when an LEA disagrees with private-school officials regarding the provision or types of services and written affirmations only after timely and meaningful consultation has occurred.⁶

2. RTI and MTSS cannot be used to delay IDEA evaluations. IDEA requires LEAs to identify, locate, and evaluate parentally placed private-school children with disabilities and to conduct child find in a manner that ensures equitable participation and an accurate count of eligible children.⁷ Federal guidance has long made clear that Response to Intervention (RTI) or Multi-Tiered Systems of Support (MTSS) cannot be used to delay or deny an evaluation of a child suspected of having a disability.⁸ OSERS found that NCCSE and SFUSD did not comply with IDEA child-find requirements and directed CDE to ensure that LEAs and SELPAs statewide do not require completion of RTI, MTSS, or other general-education interventions in a manner that delays or denies an evaluation.⁹

3. CDE must ensure five years of IDEA proportionate-share funding is recalculated. IDEA requires LEAs to reserve and expend a proportionate amount of IDEA Part B funds for equitable services to eligible parentally placed private-school children with disabilities. OSERS directed CDE to ensure that LEAs recalculate proportionate-share amounts for FFY 2021 through FFY 2025, identify any shortfalls between required and actual expenditures, and remedy those shortfalls using allowable funding sources.¹¹

4. CDE must strengthen its IDEA complaint process. Federal regulations require State educational agencies to investigate IDEA complaints, review all relevant information, make an independent compliance determination, and issue written decisions addressing each allegation in the complaint.¹² OSERS found that CDE did not consistently resolve all material issues raised in the complaints. CDE must therefore review and, where necessary, revise its complaint procedures so that future investigations fully address all material allegations and result in clear IDEA compliance determinations.¹³

From Decision to Implementation

The Department imposed firm implementation requirements. CDE must submit corrective-action plans within 60 days, provide specified revised policies, guidance, training materials, other implementation documents, and the proportionate-share recalculation methodology within 90 days, make substantial progress within six months unless OSEP approves an alternative timeline, and complete major statewide corrective actions within one year.¹⁴

The decision is therefore a major advocacy success, but it is also the beginning of an important implementation phase.

“At its heart, this decision is about serving students and families,” said Christopher Fisher, Superintendent of Catholic Schools for the Archdiocese of San Francisco. “Meaningful consultation requires listening before decisions are made. We are grateful for the Department’s careful review.”

“This is a very important decision for our students and families,” said Leticia Oseguera, Superintendent of Schools for the Diocese of San Diego. “Every child deserves timely access to evaluation, and private-school leaders must participate meaningfully in decisions affecting the students we serve.”

ADAC Advocacy’s next steps will include working collaboratively with the California Association of Private School Organizations (CAPSO), California’s private schools, and the California Department of Education to help ensure that the corrective actions required by the U.S. Department of Education are fully and effectively carried out.

Particular attention will be given to meaningful consultation, child-find and evaluation practices, the five-year proportionate-share recalculations and actual expenditures, remediation of any funding shortfalls, and improvements to CDE’s IDEA complaint process.

ADAC Advocacy looks forward to continuing this work so that the federal decision produces meaningful and lasting improvements for students with disabilities attending California private schools.

About ADAC Advocacy

ADAC Advocacy advances the interests of non-public schools and the students and families they serve, with particular attention to the effective implementation of federal equitable-services requirements under IDEA and ESSA.

For more information, visit www.theadacadvocracy.com.

This press release and its accompanying landing page are [here](#).

References

1. U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), Decision on IDEA Complaints Submitted by the Archdiocese of San Francisco and the Diocese of San Diego (Aug. 3, 2026).
2. IDEA § 612(a)(10)(A)(v), 20 U.S.C. § 1412(a)(10)(A)(v); 34 C.F.R. § 300.136. See also U.S. Department of Education, OSERS, *Decision on IDEA Complaints Submitted by the Archdiocese of San Francisco and the Diocese of San Diego* (Aug. 3, 2026).

3. IDEA § 612(a)(11), 20 U.S.C. § 1412(a)(11); 34 C.F.R. § 300.149 (State general-supervision responsibility). See also OSERS decision requiring statewide corrective actions.
4. IDEA § 612(a)(10)(A)(iii), 20 U.S.C. § 1412(a)(10)(A)(iii); 34 C.F.R. § 300.134.
5. OSERS, Aug. 3, 2026 decision.
6. 34 C.F.R. §§ 300.134(e), 300.135; OSERS corrective-action requirements.
7. IDEA § 612(a)(10)(A)(ii), 20 U.S.C. § 1412(a)(10)(A)(ii); 34 C.F.R. § 300.131.
8. U.S. Department of Education, Office of Special Education Programs, OSEP Memorandum 11-07, *A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under IDEA* (Jan. 21, 2011); U.S. Department of Education, *Return to School Roadmap—Child Find Under Part B of IDEA* (Aug. 24, 2021), available through <https://sites.ed.gov/idea/>.
9. OSERS, Aug. 3, 2026 decision.
10. IDEA § 612(a)(10)(A)(i), 20 U.S.C. § 1412(a)(10)(A)(i); 34 C.F.R. §§ 300.131(b), 300.133; 34 C.F.R. Part 300, Appendix B.
11. OSERS, Aug. 3, 2026 decision.
12. 34 C.F.R. §§ 300.151–300.153, particularly § 300.152(a).
13. OSERS, Aug. 3, 2026 decision.
14. OSERS, Aug. 3, 2026 decision.