

Instruction

Children with Disabilities Enrolled by Their Parents in Private School

The Board of Education recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.

The Superintendent or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within the district.

The Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

- Legal References: EDUCATION CODE
56000 Education for individuals with exceptional needs
56020-56035 Definitions
56170-56177 Children in Private Schools
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment
56500-56509 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.130-300.140 Children with Disabilities Enrolled by Their Parents in Private Schools
COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

UNITED STATES DEPARTMENT OF EDUCATION
PUBLICATIONS

Questions and Answers on Serving Children with Disabilities
Placed by Their Parents at Private Schools, March 2006
FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156,
pages 46539-46845

WEB SITES

California Department of Education, Special Education:

<http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education
Programs: <http://www.ed.gov/about/offices/list/osep>
(cf. [0430](#) - Comprehensive Local Plan for Special Education)
(cf. [6164.4](#) - Identification and Evaluation of Individuals for
Special

Policy
adopted: 05/21/02
revised: 11/14/07
revised: 01/15/08 (was Policy 6159.10)
revised: 06/19/15 (technical revision)