

Instruction

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS/
GUARDIANS IN PRIVATE SCHOOLS**

The Governing Board recognizes its obligations under federal and state laws to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the District. The District shall follow the local plan as set forth by the Special Education Local Plan Area (SELPA).

(cf. 0430 – Comprehensive Local Plan for Special Education)

The Superintendent/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. (34 CFR 300.131; Education Code 56171)

(cf. 6164.4 – Identification of Individuals for Special Education)

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

Legal Reference:

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

56400-56509 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:

Instruction

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS/
GUARDIANS IN PRIVATE SCHOOL (continued)**

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: www.cde.gov/sp/se

U.S. Department of Education, Office of Special Education Programs:

www.ed.gov/about/offices/list/osep