

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

The Governing Board 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.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

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. (34 CFR 300.131; Ed. Code 56171)

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

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 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*

*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/osers/osep>*