

Policy 6164.41: Children With Disabilities Enrolled By Their Parents In Private School

Status: DRAFT

Original Adopted Date: 06/02/2009 | **Last Reviewed Date:** 06/02/2009

The Governing Board recognizes its obligations under ~~state and federal and state law to locate, identify, evaluate,~~ 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. ~~((34 CFR 300.131; Education Code 56171; 34 CFR 300.131)~~

The Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents/~~guardians~~ 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
Ed. Code 56000	Special education; legislative findings and declarations
Ed. Code 56020-56035	Definitions
Ed. Code 56170-56177	Children enrolled in private schools
Ed. Code 56195.8	Adoption of policies
Ed. Code 56300-56385	Identification and referral, assessment
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 56600-56606	Evaluation, audits and information

Federal References

Federal References	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.130-300.140	Children with disabilities enrolled by their parents in private schools

Management Resources References

Management Resources References	Description
Court Decision	Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
U.S. Department of Education Publication	Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, March 2006
Website	California Department of Education, Special Education - https://simbli.eboardsolutions.com/SU/wbtzINw8puwslshjTsrvmBCA==
Website	U.S. Department of Education, Office of Special Education Programs - https://simbli.eboardsolutions.com/SU/v4I2D9cNplus2KZ0yVtPslshvZhg==

Cross References

Description

- 0430 Comprehensive Local Plan For Special Education -
<https://simbli.eboardsolutions.com/SU/v4RslshNgwalreHoj7ZVXWm7w==>
- 0430 Comprehensive Local Plan For Special Education -
<https://simbli.eboardsolutions.com/SU/9boBGUTIBZ4DgJEW4QQULQ==>
- 6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/3vVDizDulqY8I7eXsslshJApA==>
- 6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/3on5FNplusCvSTDslshj1eANpc2Q==>
- 6159.1 Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/gLa5k4aplusb7flyNscplusZRrZw==>
- 6159.1 Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/crldClfqd8Qt0qG0snrrGw==>
- 6164.4 Identification And Evaluation Of Individuals For Special Education -
<https://simbli.eboardsolutions.com/SU/pluspg3XMsm0hsQ0UU5SIUtbA==>
- 6164.4 Identification And Evaluation Of Individuals For Special Education -
<https://simbli.eboardsolutions.com/SU/ljlsShCo5lWWhnZYtYeyNhWvUg==>