

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

The Board of Trustees 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](#); Education 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

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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>