

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

Original Adopted Date: 03/01/2007 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

The Governing Board recognizes its obligations under state and federal 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. (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	Description
Ed. Code 51744-51749.6	<u>Independent study</u>
Ed. Code 56000	<u>Special education; legislative findings and declarations</u>
Ed. Code 56020-56035	<u>Definitions</u>
Ed. Code 56170-56177	<u>Children enrolled in private schools</u>
Ed. Code 56195.8	<u>Adoption of policies</u>
Ed. Code 56300-56385	<u>Identification and referral; assessment, instructional planning</u>
Ed. Code 56500-56509	<u>Procedural safeguards</u>
Ed. Code 56600-56606	<u>Evaluation, audits and information</u>
Federal	Description
20 USC 1232g	<u>Family Educational Rights and Privacy Act (FERPA) of 1974</u>
20 USC 1400-1482	<u>Individuals with Disabilities Education Act</u>

20 USC 1412	State eligibility
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 300.130-300.144	Children with disabilities enrolled by their parents in private schools
Management Resources	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	Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
U.S. Department Of Education Publication	Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021
U.S. Department of Education Publication	A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
U.S. Department of Education Publication	Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, April 2011
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Special Education
Website	U.S. Department of Education, Office of Special Education Programs

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
6159	Individualized Education Program
6159	Individualized Education Program

- 6159.1 [Procedural Safeguards And Complaints For Special Education](#)
- 6159.1 [Procedural Safeguards And Complaints For Special Education](#)
- 6164.4 [Identification And Evaluation Of Individuals For Special Education](#)
- 6164.4 [Identification And Evaluation Of Individuals For Special Education](#)