

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

Original Adopted Date: 03/01/2007 | **Last Revised Date:** 09/23/20132021 | **Last Reviewed Date:** 01/24/2023

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.

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

The Superintendent Chief Learning Officer 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~~)

; 34 CFR 300.131)

The Superintendent Chief Learning Officer 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

Evaluation, audits and information

Federal

Description

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482

Individuals with Disabilities Education Act

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
