

Instruction

Children With Disabilities Enrolled By Their Parents In Private School

The Governing Board recognizes its obligations under federal and state law to identify, evaluate and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.

Pursuant to Education Code 56171 and 20 USC 1412(a)(3), districts, county offices of education, or SELPAs, as appropriate, are required to locate, identify, and evaluate all children with disabilities enrolled by their parents/guardians in private schools, including religious schools. 34 CFR 300.131 and 300.134 require the district, after a timely and meaningful consultation with private school representatives, to conduct a thorough "child find" process to determine the number of parentally-placed children with disabilities attending private schools located in the district, including those residing outside of the district or in another state. Pursuant to 34 CFR 300.131, the responsibility for "child find" is that of the district where the private school is located.

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)

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.

Legal Reference: Education Code, Sections 56000; 56020-56035; 56170-56177; 56195.8; 56300-56385; 56500-56509; 56600-56606
United States Code, Title 20, Sections 1232g; 1400-1482
United States Code, Title 29, Sections 794 Section 504 of the Rehabilitation Act
Code of Federal Regulations, Title 34, Sections 300.1-300.818; 300.130-300.140
Court Decisions:
Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Policy Adopted: 07/08/2014

Policy Amended: 11/16/2021