

Children with Disabilities Enrolled by Their Parents in Private School

The Governing Board recognizes its obligations under state and federal 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.

State

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

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

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

Website: U.S. Department of Education, Office of Special Education Programs

Policy Adopted: 11/10/2021

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California