

Instruction

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

BP 6164.41

The Governing Board 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

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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

*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>

Policy

Adopted: July 31, 2012; February 27, 2020

PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California