

## Instruction

### CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

BP 6164.41

The Governing Board recognizes its obligations under state and federal to locate, identify, evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the District.

The Governing Board recognizes its obligations under state and federal law, to 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.

(Title 34 CFR 300.132 and 300.133)

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#### *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.*

<b>State</b>	<b>Description</b>
<i>Ed. Code 56000</i>	<u><i>Special education; legislative findings and declarations</i></u>
<i>Ed. Code 56020-56035</i>	<u><i>Definitions</i></u>
<i>Ed. Code 56170-56177</i>	<u><i>Children enrolled in private schools</i></u>
<i>Ed. Code 56195.8</i>	<u><i>Adoption of policies</i></u>
<i>Ed. Code 56300-56385</i>	<u><i>Identification and referral, assessment</i></u>
<i>Ed. Code 56500-56509</i>	<u><i>Procedural safeguards</i></u>

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<b>State</b>	<b>Description</b>
<i>Ed. Code 56600-56606</i>	<u><i>Evaluation, audits and information</i></u>
<b>Federal</b>	<b>Description</b>
<i>20 USC 1232g</i>	<u><i>Family Educational Rights and Privacy Act (FERPA) of 1974</i></u>
<i>20 USC 1400-1482</i>	<u><i>Individuals with Disabilities Education Act</i></u>
<i>29 USC 794</i>	<u><i>Rehabilitation Act of 1973, Section 504</i></u>
<i>34 CFR 300.1-300.818</i>	<u><i>Assistance to states for the education of students with disabilities</i></u>
<i>34 CFR 300.130-300.140</i>	<u><i>Children with disabilities enrolled by their parents in private schools</i></u>
<b>Management Resources</b>	<b>Description</b>
<i>Court Decision</i>	<u><i>Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997</i></u>
<i>Federal Register</i>	<u><i>Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845</i></u>
<i>U.S. Department of Education Publication</i>	<u><i>Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, March 2006</i></u>
<i>Website</i>	<u><i>California Department of Education, Special Education</i></u>
<i>Website</i>	<u><i>U.S. Department of Education, Office of Special Education Programs</i></u>
<i>Cross References</i>	
<b>Policy</b>	<b>Description</b>
<i>0430</i>	<u><i>Comprehensive Local Plan For Special Education</i></u>
<i>0430</i>	<u><i>Comprehensive Local Plan For Special Education</i></u>
<i>6159</i>	<u><i>Individualized Education Program</i></u>

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	<b><i>Policy</i></b>	<b><i>Description</i></b>
6159		<u>Individualized Education Program</u>
6159.1		<u>Procedural Safeguards And Complaints For Special Education</u>
6159.1		<u>Procedural Safeguards And Complaints For Special Education</u>
6164.4		<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.4		<u>Identification And Evaluation Of Individuals For Special Education</u>

**Policy**

**Adopted:** July 31, 2012

**Revised:** February 27, 2020; August 25, 2022

**PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California