

# Santa Barbara Unified School District

## Board Policy

BP 6164.41

### Instruction

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

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
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##### 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

<u>Agostini v. Felton</u> , (1997) 521 U.S. 203, 117 S.Ct. 1997
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*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/osep>*

Policy: SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Adopted: May 5, 2009 Santa Barbara, California