

**CLOVIS UNIFIED
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

**STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE
SCHOOLS**

PURPOSE: To establish District policy for the location, identification, and evaluation of students with disabilities voluntarily enrolled by their parents/guardians in private schools within the boundaries of the District .

The Board of the District's Special Education Local Plan Area (SELPA) recognizes its obligations under federal and state law to: (1) establish procedures for the location, identification, and evaluation of all students with disabilities voluntarily enrolled by their parents/guardians in private schools located within the District; and (2) to develop procedures to ensure that equitable services are made available to those students who may be deemed eligible for special education services, and who remain voluntarily enrolled in private schools within the District following evaluation.

The Superintendent or designee shall ensure that activities undertaken to locate, identify, and evaluate students with disabilities voluntarily enrolled by their parents/guardians in private schools located within the District are comparable to activities undertaken to locate, identify, and evaluate students with disabilities enrolled in public schools located within the District. (Education Code 56171, 34 C.F.R. 300.131)

This policy does not apply to students placed by the District in a nonpublic, nonsectarian school or agency for purposes of providing a free, appropriate public education (FAPE) or when the parent/guardian has made a unilateral placement of their child in a private school because the provision of a FAPE by the District is at issue.

The Superintendent or designee shall develop a budget for the provision of services to students with disabilities eligible for special education services who have been voluntarily enrolled by their parents/guardians in private schools located within the District. The budget shall be based on the proportionate share of federal funds received and determined by the number of eligible students enrolled in private schools.

The cost of carrying out the activities undertaken to locate, identify, and evaluate students with disabilities voluntarily enrolled by their parents/guardians in private schools may not be considered in determining whether a local educational agency has met its obligations under the proportionate funding provisions for students enrolled in private schools located within the District. (20 United States Code 1412(a)(10)(A)(ii)(IV); 34 C.F.R. 300.131(d).)

The Superintendent shall adopt an administrative regulation setting out the procedures necessary to implement this policy.

Adopted: 12/15/1999

Reviewed: 05/25/2007

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Amended: 02/11/2004, 03/24/2010, 04/27/2011, 01/14/2015, 11/18/2020 (BP 2113 renumbered as BP 6164.41)

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

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.130-300.148 Children with disabilities enrolled by their parents in private schools

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