

**Capistrano Unified School District**  
San Juan Capistrano, California

**Capistrano Unified School District Policy for  
Serving Children with Disabilities Enrolled by  
Their Parents in Private School**

**Legal Reference:**

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(10), states that children who are enrolled by their parents in private elementary and secondary schools are subject to the child find requirement and states and local school districts are required to search and serve students who are enrolled in private elementary and secondary schools. In addition, students placed in private schools by their parents are entitled to:

1. A proportion of the amount of federal funds received by the school district equal to the number of private school students in relation to the number of special education students in the district.
2. Such services may be provided to children with disabilities on the premises of the private school to the extent consistent with law.

The Federal Regulations, 34 C.F.R. §300.450 et seq., clarify these statutory provisions. Section 300.451 requires school districts to locate, identify and evaluate all private school children with disabilities including religious school children residing in the jurisdiction of the school district and requires the school district to consult with appropriate representatives of private school children with disabilities on deciding how to locate, identify and evaluate private school children. Section 300.452 requires each state to develop a services plan to be implemented for each private school child with a disability who has been designated to receive special education and related services.

Section 300.453 requires school districts to spend a proportionate amount of federal funds on private school children. Therefore, if 1% of a school district's special education students reside in private schools, private school children are entitled to 1% of federal funds.

Section 300.454 states that no private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. The school district is required to consult in a timely and meaningful way with appropriate representatives of private school children with disabilities in light of the funding limitations set forth in Section 300.453 and determine the number of private school children with disabilities, the needs of private school children with disabilities and their location to decide:

1. Which children will receive services;
2. What services will be provided
3. How and where the services will be provided; and
4. How the services provided will be evaluated.

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Capistrano Unified School District policy adopted May 1, 2002 addresses Section 300.453 of the Federal Regulations with the following components of the Services Plan delivery and evaluation:

\* **Which Children will receive services?**

The children being served are those who are eligible for special education and in need of language and speech development and remediation as defined in section 5633 California Code of Regulations - Title 5.

\* **What services will be provided?**

The services provided Children with Disabilities Enrolled by Their Parents in Private School will be 10 sessions annually of Speech/Language Therapy to students in grades K-12

In the event the parents of a child with disabilities enrolled by their parents in private school are requesting transportation the number of speech/language sessions will be limited to five annually.

\* **Who will deliver the services?**

Services will be provided by a Credentialed (or otherwise qualified) Language/Speech/Hearing Specialist.

\* **Where will the services be delivered?**

The speech and language services for a child with disabilities enrolled by their parents in private school will be provided at the child's school of residence in their respective district.

\* **How will the services be evaluated?**

The SOC SELPA's Policy for Serving Children with Disabilities Enrolled by Their Parents in Private School (*SpEd 47*) will be evaluated annually following the December 1<sup>st</sup> pupil count with input from the SOC SELPA Administrative Council, Community Advisory Committee and representatives of private schools within the geographical boundaries of CUSD.