

RELATIONS WITH NONPUBLIC SCHOOLS

In recognition of its responsibility under state law and regulation the Board of Education shall make available required public school materials, equipment and services to students residing in the district who attend nonpublic schools.

Deleted: The Board of Education recognizes the value of cooperative relationships with nonpublic schools and it encourages members of the school staff to work with their counterparts in nonpublic schools on educational matters within the framework established by state law and regulation. ¶
In recognition of the educational, cultural, and economic values which parochial and private schools provide to parents, citizens, and community taxpayers, the Board shall make available required public school services to resident students who attend nonpublic schools. ¶

For purposes of this policy, the term "parent" includes parent, guardian or person in parental relation.

Textbook Loan

The Board is required to purchase and to loan, upon individual request, textbooks to all children residing in the district who are attending grades kindergarten through twelve in any public or nonpublic school which complies with the compulsory education law.

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It is also understood that the textbooks must be "loaned free" to the children, but school boards may make reasonable rules and regulations regarding such loan(s).

Therefore, the following rules and regulations govern the loan of textbooks to residents of the district attending nonpublic schools:

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1. The textbooks remain the property of the district.
2. The textbooks are returned at the end of the nonpublic school year.
3. If lost or destroyed, the textbooks are paid for in the same manner as is required for students attending district schools.

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Any such textbook must be designated for use in a public school of the state or approved by a board of education or other school authority. The district may require parents or nonpublic schools to submit evidence of this, which may be in the form of a verifiable authenticated list of school districts using the textbooks from the publisher. Textbooks must be nonsectarian in nature and may not carry the endorsement of a religious authority.

The district is not required to spend more than the total amount of textbook aid it receives, although it may provide for additional funds as part of its annual budget. If funding is inadequate to purchase all the books required, to ensure equitable distribution, the district will determine which categories of textbooks (e.g., type (such as consumable workbooks), subject areas, grade levels) may be loaned to both public and nonpublic students within the resources available.

The Superintendent will specify the date by which requests for textbooks must be received by the district and provide notice to all parents of resident students and administrators of those nonpublic schools attended by resident students (where known) of that date. This date must not be earlier than June 1st; however, requests made within 30 days of enrollment in the nonpublic school, or those made after the deadline will not be denied if a reasonable explanation for the delay

is given. Requests may be submitted directly by the parent, or via a combined request from the nonpublic school.

Instructional Computer Hardware and Software Loan

The Board is required to loan instructional computer hardware and software, upon request, to all pupils legally attending nonpublic elementary or secondary schools located in the school district. The district shall loan instructional computer hardware and software on an equitable basis, however software and hardware purchased with any local, federal or state funds, other than Instructional Computer Hardware or Software Aid funds, are not required to be loaned to nonpublic school students.

In addition, the district will only purchase and loan software programs that do not contain material of a religious nature.

The district shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the district, computer hardware that is designated for use in any public elementary or secondary school of the State or is approved by any school authorities as such term is defined in Section 2(12) of the Education Law.

Instructional computer hardware is to be loaned free to such children, subject to such rules as are or may be prescribed by the Board of Regents and school authorities and shall be required for use as a learning aid in a particular class or program.

The district shall not be required to loan instructional computer hardware to nonpublic school students in excess of that acquired pursuant to Section 753 of the Education Law and shall be loaned on an equitable basis to children attending nonpublic schools in the district and to students with disabilities residing in the district who attend programs under the provision of Section 4401(2)(c), (e), (g), (i), or (l) of the Education Law.

The district shall specify the date by which written requests for the loan of instructional computer hardware must be received by the district. Such date shall not be earlier than the first day of June of each year prior to the year for which such hardware is being requested. A parent or guardian of a child not attending a particular nonpublic school as of June 1 of the school year may request a loan of instructional computer hardware within thirty (30) days after enrollment in the nonpublic school. In no event, however, shall a request made later than the time otherwise provided by statute or regulation be denied where a reasonable explanation is given for the delay in making the request.

Such instructional computer hardware shall be loaned in accordance with procedures established by the district. All such instructional computer hardware shall be loaned upon the provision by the parent or guardian that the hardware will be returned or, in the case of loss or damage, for payment of the value thereof.

School Library Materials

The District is required to make library materials owned or acquired by the District available to students in grades K-12 attending non-public schools, where such materials are required for use with respect to a particular class or program, and are loaned for individual use only, upon the individual written request of a non-public school student or group of non-public school students, presented directly to the district or through transmission of such written requests by an appropriate official of the nonpublic school that the non-public school student or students attends. The parent of the borrower must guarantee the return of such library materials or, in the case of loss or damage, for the payment of the value of the item(s) borrowed. Such school library materials shall remain the property of the district and shall bear an identifying label.

Special Education Services

The district must provide education for students with disabilities enrolled in nonpublic schools located within the district, regardless of whether such students are residents of the district, upon written request by the parent. Such services will be provided in regular classes of the district, not separately from district students.

Career Education and Services for Gifted Students

If the district provides career education and programs for gifted students, the district is required to provide the same for students enrolled in nonpublic schools located within the district, upon written request by the parent. Such services will be provided in regular classes of the district, not separately from district students.

Written requests for career education or services to gifted students must be filed with the school district where the parent resides by June 1st of the year prior to the school year for which the request is made. The home school district will contract with the district for such services. Transportation will be provided between the nonpublic school and the site where the program is offered if that distance is more than a quarter of a mile. Transportation for students with disabilities will be provided in accordance with their needs.

Health and Welfare Services

The district is required to provide, upon request of a nonpublic school, health and welfare services which are equivalent to those available to resident students attending the district's schools, to nonpublic school students who are district residents. For resident students attending a nonpublic school located outside the district's boundaries, the district will contract with the district where the nonpublic school is located to provide such services.

Transportation

Transportation will be provided for nonpublic school students in accordance with law and Board policy.

The Board authorizes the Superintendent of Schools to establish any and all rules, regulations and procedures necessary to implement and maintain this policy.

Ref: Education Law §§701 (textbooks); 712; 751-755; 912; 1709; 3204; 3602-c; 3635; 4401

8 NYCRR §21.2; 21.3; 21.4; 175.25

Mitchell v. Helms, 530 U.S. 793 (2000)

Russman v. Sobol, 85 F.3d 1050 (2d Cir. 1996)

Zobrest v. Catalina Foothills Sch. Dist., 509 U.S. 1 (1993)

Aguilar v. Felton, 473 U.S. 402 (1985)

Board of Educ. v. Allen, 392 U.S. 236 (1968)

Formal Opinion of Counsel No. 181, 5 EDR 258 (1966)

Appeal of Beyda, 58 Ed Dept Rep. Dec. No. 17,540 (2018)

Appeal of McLoughlin and Wood, 55 EDR Dec. No. 16,886 (2016)

Appeal of Hoerter, 48 EDR 373 (2009)

Appeal of Bruning, 48 EDR 84 (2008)

Cross-ref:

4321.10, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities

8413, Transportation for Nonpublic School Students

8413-R, Transportation for Nonpublic School Students Regulation

Adoption date: November 14, 1994

Revised: _____

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