

RELATIONS WITH NONPUBLIC SCHOOLS

In recognition of its responsibility under state law and regulation, the Board of Education will make available required public school materials, equipment, and 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.

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

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

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 fashion as the students attending district schools.

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 will 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 Superintendent will specify the date by which requests for instructional computer hardware and software must be received by the district and provide notice to all nonpublic schools located within the district 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.

Library Materials

Library materials owned or acquired by the district are required to be made available on an equitable basis to students in grades K-12 attending nonpublic schools located within the district, where the materials are required for use as a learning aid in a particular class or program, and loaned for individual student use only, upon the individual request of a student or group of students. The request may be presented either directly to the district or via the administrator of the nonpublic school. Parents must guarantee the return of the materials, and must pay for the value of any loss and/or damages.

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. See board policy 4321 Programs for Students with Disabilities for additional information.

Career Education and/or Services for Gifted Students

If the district provides career education and/or 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 and/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

The district will provide transportation to resident students attending nonpublic schools as required by law and outlined in policy 8413, Transportation for Nonpublic School Students.

Participation in Extracurricular Activities

The Board recognizes that students attending nonpublic schools are not entitled to participate in interscholastic or intramural sports. However, the Board will permit such students to participate in certain other school-sponsored extracurricular activities if either the student resides in the district or the nonpublic school is located in the district]. The district may request certification from the nonpublic school that all immunization requirements have been met. Specifically, the Board will permit nonpublic students to:

- participate in non-credit-bearing organized school activities such as clubs that are not open to the general public; and
- use school facilities such as the library, career information center and gymnasium if there is mutual agreement on the part of all involved parties.

Regulations

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

Cross-ref: 1741, Home-Schooled Students
4321, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities
8413, Transportation to Nonpublic School Students

Ref: Education Law §§701 (textbooks); 712 (library materials); 751-754 (computer hardware and software); 912 (health services); 1709; 3204; 3602-c (special education); 3635 (career education and gifted services)
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)

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