

**PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO STUDENTS
WITH DISABILITIES ENROLLED IN NON-PUBLIC SCHOOLS**

Pursuant to applicable federal and State law and regulation, the Board of Education of the Bethlehem School District hereby adopts the following policies and procedures with respect to the provision of special education and related services to be provided to children with disabilities voluntarily enrolled by their parents in private or parochial (non-public) schools who are seeking services from their districts of residence¹

1. The District shall offer a free appropriate public education to all children with disabilities enrolled by their parents in non-public schools located in the District pursuant to contracts entered into with the child's District of Residence except that for children attending such schools who do not reside in the state of New York where an out of state district does not provide for such contract, the District shall provide those evaluations and services to the extent required by federal law.
2. Pursuant to N.Y. Education Law Section 3602-c, the District shall arrange for services for children residing within New York in accordance with the following procedures.

The District shall provide those services requested by the child's school district of residence pursuant to a contract entered into between the parties.

The determination of where the services will be offered shall remain within the discretion of the school district except where the law requires otherwise. In all other cases, the District shall retain its discretion to offer these services (i) at the public school; (ii) at the non-public school or (iii) at another site.

Where the district offers the service at a location other than the non-public school, the District shall provide transportation, where necessary, to enable the student to access these services.

For resident students enrolled in non-public schools outside the District, the District shall contract for provision of services with the District in which the non-public school is located. (the District of Location).

3. The decision regarding the location of services offered to a student with a disability enrolled in a nonpublic school shall be made by the Director of Pupil Personnel Services on a case-by-case basis based on consideration of all relevant factors including financial and efficiency considerations. Under no circumstances shall a decision regarding the location of services obligate the school district to provide the same or similar services at a like location in any other case or in subsequent years. Furthermore, the district specifically retains the right, in its discretion, to change the location at which services shall be provided at any time.

¹This policy is not applicable to students who have been placed in non-public schools by the Committee on Special Education or by the Committee on Preschool Special Education.

4. The Board of Education directs the Director of Pupil Personnel Services to notify parents of children with disabilities who may enroll their child in a private school of the June 1 deadline for requesting such services by publishing notice of the deadline in the school calendar or by attaching an addendum to the district's Notice of Procedural Safeguards.
5. The Board of Education further directs the Director of Pupil Personnel Services to schedule a consultation meeting with representatives of all non-public schools located within the district to meet the following obligations:
 - a. Advise and document how non-public school personnel or a parent may refer to the public school a resident non-public school student for an evaluation if suspected of having a disability. The district's activities attendant to its non-public school Child Find obligations shall be comparable to activities undertaken for students with disabilities enrolled in the district.
 - b. Encourage attendance by representatives of the non-public school at district meetings of the Committee on Special Education (CSE) or Committee on Preschool Education (CPSE) for children enrolled in their schools. The district's efforts to secure the attendance of representatives of the nonpublic schools for students attending there shall be documented by the Committee on Special Education (CSE) or Committee on Preschool Education (CPSE) chairperson, as appropriate.
 - c. Discuss the manner in which the district proposes to provide services to students with disabilities enrolled in the non-public schools, and to provide private school representatives and parents enrolled there with a genuine opportunity to express their views regarding how and where services might be provided and how such services will be evaluated.
 - d. Advise representatives of the non-public school of the June 1 deadline for requesting such services and the parents' obligation to put such request in writing to the chairperson of the Committee on Special Education (CSE.)
6. The Board of Education directs the Director of Pupil Personnel Services to ensure that monies expended to provide special education and related services to non-public school children meets or exceeds a proportionate amount of federal funds received by the district relative to the number of non-public school disabled students enrolled in private schools by their parents located in the district.

Authority: NYS Education Law ' 3602-c
Ed Law §3602-c
34 CFR 300.450-462

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