

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic elementary and secondary school, provision shall be made for the participation of those children in special education and related services in accordance with the requirements contained in 92 NAC 51.

Gage County School District No. 34's policy relating to childfind activities applies with respect to children with disabilities who are enrolled in nonpublic, including parochial, elementary and secondary schools.

Children with disabilities in nonpublic schools and facilities shall be provided special education and related services in accordance with an individualized education program, at no cost to their parents, if the child is placed in, or referred to nonpublic schools or facilities by Gage County School District No. 34 as a means of carrying out the requirements of IDEA or any other applicable law requiring the provision of special education and related services to all children with disabilities. Children served by nonpublic schools or facilities as a result of referral by the Gage County School District No. 34 will have all the rights they would have if served by the school district.

Gage County School District No. 34 is not required to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if the school district made a free appropriate public education available to the child and the parents elected to place the child in such nonpublic school or facility.

If the parents of a child with a disability, who previously received special education and related services under the authority of the Gage County School District No. 34, enroll the child in a nonpublic elementary or secondary school without the consent of or referral by Gage County School District No. 34, a court or a hearing officer may require the school district to reimburse the parents for the cost of the enrollment if the court or hearing officer finds that the school district had not made available a free appropriate public education to the child in a timely manner prior to that enrollment.

The cost of the reimbursement may be reduced or denied if at the most recent IEP meeting that the parents attended prior to the removal of the child from the Gage County School District No. 34, the parents did not inform the IEP team that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public school expense; or 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the school district, the parents did not give written notice to the Gage County School District No. 34 of the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required if the parent is illiterate and cannot write in English, if compliance with the requirement would likely result in physical or serious emotional harm to the child, if the parents had not received notice required by 92 NAC 51-009 of the parents responsibility to provide notice to the Gage County School District No. 34.

The reimbursement may also be reduced or denied if prior to the parents removal of the child from Gage County School District No. 34 the school district informed the parents, through the notice requirements described in 92 NAC 51-109, of its intent to evaluate the child (including a statement that the purpose of the evaluation was both appropriate and reasonable), but the parents did not make the child available for the evaluation.

The reimbursement may also be reduced or denied upon a judicial finding of unreasonableness with respect to actions taken by the parents.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Special Education Teacher.

TIMELINE: Ongoing

MATERIALS: Contract with the nonpublic school, district forms.

METHODS: The district has adopted the state standards and will provide copies of L.E.A.R.N.S. to contracted

agencies. Once a contract has been arranged, a case manager from the district is designated who will arrange meetings with parents, district representative and the contracting agency. All necessary paperwork and proper procedures are completed through the direction of the case manager, the IEP Team, and the contracted school representative.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Special Education Teacher.

TIMELINE: Ongoing.

MATERIALS: Appropriate district forms.

METHODS: Disagreements between parents and the school district whether or not the school district has a program available, or regarding the question of responsibility, are subject to the appeal procedures established in Rule 55.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Nonpublic School Representative.

TIMELINE: Ongoing.

METHODS: A nonpublic school student may participate in the public school's special education programs provided the student has been verified by a MDT and the parent is a resident of the district. The IEP for nonpublic school students shall be developed according to the policies and procedures adopted by the district. Special education and related services to nonpublic school students with disabilities may be provided at the public school, the nonpublic school, or a neutral site.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator.

TIMELINE: Ongoing.

MATERIALS: IEP Form, Parent Procedures-Reimbursement Claim Form, Rules for Transportation of Students.

METHODS: Students who attend nonpublic schools, but receive special education at the public school or a neutral site other than the public school, will be transported by district vehicles. If district vehicle service is not available, the school district will contract with a licensed common carrier for transportation services. If the parents elect to transport eligible students, the district will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from the nonpublic school to the school district site or a neutral site, following the most direct route. The district will provide transportation to a neutral site, following the most direct route. The district will not provide transportation to a nonpublic school enrolled child from the child's home to the nonpublic school. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator.

TIMELINE: Ongoing.

MATERIALS: Lease form, list of equipment and supplies provided to nonpublic school.

METHODS: The district will follow the procedure described in 92 NAC 51-015 when providing services to children attending nonpublic school.

Legal Reference:           §79-1110  
                                  through               Special Education Act.  
                                  §79-1184